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A
SHORT
AND PRIVATE

Discourse betweene Mr.

BOLTON and one

M.S. concerning

Usury.

Published by E.B. by Mr.

BOLTONS owne

Coppy.

DEVT. 23.19.

Thou shalt not lend upon Vsury to thy Brother.



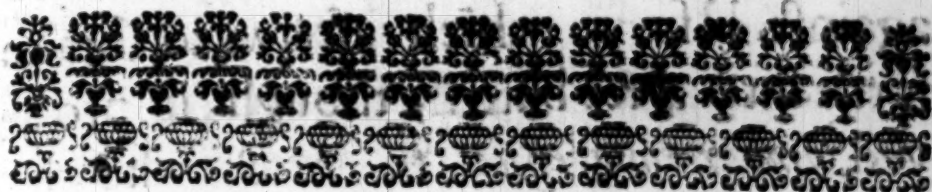
LONDON,

Printed by GEORGE MILLER dwelling
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THE
AND PRIVATE
Dedicated to the
of the
Published by H.B. by M.
B. of the
Copp.

2523:07

Printed by George Miller
in Black-Town, 1837.



To the Reader.



Love (saith the Wisest of Cant. 8. 6.
men) is as strong as
death, the importuning
whereof hath made me
breake open those bars
and once more awaken
the spirit of M. Bolton, by exposing to pub-
licke view these papers of his, written with
his owne hand, for the convincing of the
world of that profitable and wealthy sinne
of *Ury*; wherein though he and others
have bestowed much paines: Yet so
sweet is the gainfullnesse of that craft,
as that it will never receive a finall convicti-
on till the generall judgement.

This small Tract was written to one
M. S. a man of no great note, and of lesse
learning, occasioned upon a quarrell hee

To the Reader.

rooke at a Sermon of his preached against Usury, which afterward brake forth into a hot battell, though it proved *impar congressus* to M.S. who by challenging M. Bolton, thrust himselfe upon the greatest infelicity of warre, as first to bee disarmed, and afterward to bee kill'd in the field with his owne weapons.

Acts 19.24.

The gaine that M.S. made by that *Silver Shrine*, whetted his invention to maintain by humane argument, what hee was leath to part with by divine commandment.

Had this Author lived, it was his purpose to have made this *little Tract* of *Usury* a compleate Treatise, by stating the Question, by distinguishing it from other contracts and bargaines that are common amongst men (which though they equall that other contract by *Usury* in point of gaine, yet doe not participate with it in point of Crime) by handling the many cases of conscience touching the point of restitution, wherein I know
he

To the Reader.

hee was acquainted with many rare experiments.

But death which determined his daies, put an end to this labour. So that I now present it to the Reader as I finde it in his owne copy without addition or alteration, which can hardly bee done to any thing of his without wrong to the Worke. Neither should I (had it beene feofable) have given way unto it. For I had rather put any imperfect worke of his upon the *Charity* of the world, which it usually affords to such interceptions by death, then abuse it, or the trust reposed in me, by publishing under his name any counterfeit stuffe.

In this little Worke I desire to put the Reader in minde of one or two things remarkable in this Author. The earnest indignation of his spirit against any manner of sinne, especially grosse sinne as this of *Vsury*. And then his sweet melting and compassionate heart in freeing men from it, which if all other instances which might be given of him in this kind should be lost

To the Reader.

Instructions
for comforting
afflicted con-
sciences, pag.
108. &c. usq.
pag 130.

and perish. This one passage of his written in the last worke that ever he put out, and uttered a little before his death would make it good. For having in that booke proposed twenty considerations to keepe men from sinne (the best that ever I read) He thus in conclusion breaths out his affectionate spirit, page 130. Now my most thirsty desire and earnest entreaty is, that every one into whose hands by Gods providence this booke of mine shall fall, after the perusall of them, would pause a while upon purpose that he may more solemnly vow and resolve, that ever hereafter when he shall be set upon and assaulted by allurements unto any sinne, he will first have recourse unto these twenty considerations I have here recommended to him to helpe in such cases, and with a punctuall seriousness let them sinke into his heart before he proceed and pollute himselfe. I could bee content, if it were pleasing unto God, that these lines which thou now readest were writ with the warmest blood in my heart, to represent unto thine eye, the deare affectionatenesse of my Iouie for thy spirituall and eternall good, so
that

To the Reader.

that thou wouldest be thoroughly perswaded, and now before thou passe any further sincerely promise so to doe. So that I may as truly say of him as was once said of Anselme, *Nil in mundo quantum peccare timebat*, Hee feared nothing in the world so much as sinne.

*De vita Anselmi lib. 2.
in Oper Anselmi.*

Compare these times and the want of such a man in them, and then count how invaluable his losse is. For so highly was he esteemed in that Countrey where he bestowed his Ministeriall paines, that many of his hearers who beheld his white haire could point at him, and say with that famous Leontius, *That when that Snow melted there would bee a flood*: And so it prooved; For I dare boldly write it, There was not a Minister in *Norhampton-shire* that ever lived there more desired, or dyed more lamented.

*Sozem. Hist.
Lib. 3.*

I will looke no further into his quiet grave, I onely desire my Reader kindly to accept of this worke for the Authors sake who meant it much better.

And

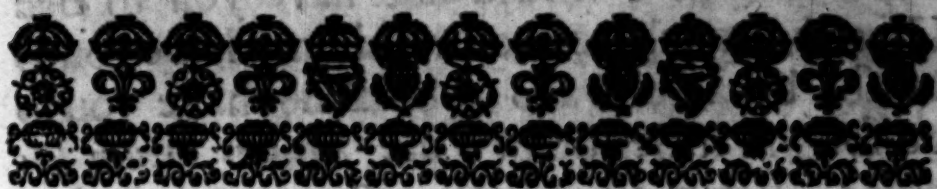
To the Reader.

And for my sake who meereley for the
Readers good have undergone the
paines to present it as it is. This is but
Iustice and all the reward I looke for,

Middle Temple May 22. 1637.

EDWARD BAGSHAW.

A



A
SHORT
AND PRIVATE

Discourse betweene *M^r.*

BOLTON and one

M.S. concerning

Usury.



*I*t seemes *M. S.* Saint *Austin* is in some request with you; for you place Him in the Front of your Treatise, which you might easily have contrived into a few lines, telling us: so saith *Iewell, Perkins, &c.* in such a Booke, such a page: But will you stand to that Ancient Fathers Authority in your Point of *Usury*? Heare Him I pray you: In *Psal. 36. Nolo sitis fenerator, & ideo nolo, quia*

B

Deus

Deus non vult. I would not have you to bee Usurers, and therefore I would not have you to be so, because G o d would not have you to be so. A little after: *Vnde apparet Deum hoc nolle? Dictum est alio loco. Qui pecuniam suam non dedit ad Vsuram. Et quam detestabile sit, & quam odiosum, quam execrandum, puto quia & ipsi feneratores noverunt.* How appeares it, that G o d would not have you to be Usurers? It is said in another place. *Hee that putteth not His money to Vsury.* How detestable a thing it is, to give money upon Usury, how odious, how execrable, I suppose, the Usurers themselves are not ignorant. And upon *Psal. 128.* *Audent etiam feneratores dicere non habeo aliud unde vivam. Hoc mihi & latro diceret, deprehensus in fauce, &c.---Hoc mihi & leno diceret emens puellas ad prostitutionem, &c.* The Usurers also, saith Saint *Austin*, dare say, they have not whereupon els to live: so (saith He) may the Robbers say, taken in the Theeves Haunt, &c. -- So may the Bawde say, who buyeth young Women for prostitution, &c.

Or will you stand to the judgement of those Worthy Men, (for so you call them at the bottome of your first page) which Saint *Austin* produced against *Julian*? Heare them also. Saint *Basil*: in *Psal. 14.* *An ignoras, inquit, quod major tibi peccatorum exargat acervus, quam sit accessus opum, quem ex usuris venaris?* Knowest Thou not, that a greater heape of sinnes growes upon Thee, then is the accession
of

of riches, which thou hunts after by Usury. Saint Gregory Hom. 4. in Ecclesiast. *Aiatis, inquit, dixit Deus; Crescite & multiplicamini: Auri autem fetus, nempe fanus, ex quonam consistit matrimonio? &c.---Hic est ille partus, quem parturit quidem avaritia, parit autem iniquitas, & obstetricatur inhumanitas.* This is that young One (speaking of usury) with which covetousnesse travailes; Iniquity brings forth; and Inhumanity playes the Mid-wife.

Saint Ambrose, an other of those Worthy Men, hath detested and discoursed against usury very excellently, and eloquently in a whole Booke *de Tobia*: in the 9. Chap. whereof, Hee compares the Divell and an Usurer together. Chap. 14. *Si licitum est: cur vocabulum refugis? cur velamen obteris? Si illicitum est: cur incrementum requiris?* If usury be lawfull, why doest Thou decline the name? Why puts Thou a vaile over it? If it be unlawfull, why receivest Thou any increase?

Saint Hierom, In Psal. 54. *In lege usura accipi prohibentur. Usura est, plus accipere, quam dare.* Taking of usury is forbidden in the Law. And usury is to take more, then was given. And in Ezek. Chap. 18. page 538. *Repetens ab his quibus tribuit, (meaning in the case of usury) amplius quam dederat, vivere non poterit, sed in suo sanguine morietur.* Chrysost. Hom. 5. in Mat. pag. 38. *Nihil presenti usura turpius, nihilq; crudelius. Siquidem huiusmodi fanerator negotiatur discrimina, & uberiores (ut putat) quaestus de al-*

terius infelicitate consequitur, atq; insuper quasi pietatis mercedem reposcit, velut metuens ne immisericors fore videatur: cum profecto pretextu miserendi, atq; opem ferendi, majorem misero foveam crudelitatis effoderit, specie juvandi atterens inopem, ac manum porrigendo dejiciens: & quasi in portum, ex tempestate suscipiens, sed improvise turbine in multo magis crudele naufragium, velut inter scopulos, ac latentia saxa demergens.

I have given you a taste of those Worthy Men, how worthily, They cut the throate of your usury. I might quote many more of the Fathers to the same purpose: but that it is not my purpose, but onely to let you see how you have wounded your selfe at unawares, by writing those passages out of Saint *Austin*. I meane in this respect: As *Julian* the Pelagian became Saint *Austins* and their Opposite, in Point of Pelagianisme: So you proove Opposite to *Austin* and the same Worthies in Point of Usury.

But you have, as you suppose, some late Divines on your side. And I will also suppose so for the present: And oppose against them three hundred and eightene, the learnedest and greatest Divines in the whole Christian world, congregated at *Nicaea* in the more * pure and primitive times, * In the yeare of our Lord 325. or thereabouts condemning usury, from those words *Psal. 15. Qui pecuniam suam non dedit ad usuram: Hee that putteth not His money out to usury. Can. 18.* I could name them every

* Of whom *Beza* somewhere professeth, that the Sun never beheld a more divine meeting since the Apostles times.

* See the same also in corrupter Times.

Wet. Book pag. 61.

ry One unto you, and so make a farre larger Catalogue then yours. For here are 300. odds. Yours being but 18. Nay in a word; for any thing I can learne, or know, I may oppose in this Point all other Councells, that ever mentioned it, Fathers, all the Learned of former Ages, the whole Current of the Christian World from CHRIST unto our age. None of which have stood for Usury, for the space of fifteene hundred yeares after CHRIST.

But these, you will say, are Humane authorities. And so are yours. Yet mark the odds. I oppose to your few supposed Patrons of Usury of late times, the generall judgement of the Church for this fifteene hundred yeares. For the covetousnesse of these times hath made a controversie, which in former ages was never doubted of. * Nay, (I imagine you know, who hath made it good) Authority of all sorts, divine, and humane; Ecclesiasticall, and prophane; naturall, and morall: Of all Ages, old, new, midling: Of all Churches, Primitive, Romane, Reformed: Of all Common-Weales, Jewish, Christian, Heathenish: Of all Lawes, Foraine and Domesticall.

* *Remon pag. 73.*

Nay M.S. Will you heare the words of one of your own Men, whom you muster up in your Catalogue as One of yours: I meane B. Jewell. These are his words: upon 1 *Theff. Chap. 3. ver. 6. pag. 80.* But what speake I, saith He, of the ancient Fathers of the Church? (having produced many against *Usury*) There was never any

Religion, nor sect, nor state, nor degree, nor Profession of men, but they have disliked it: Usury *ſc.* Philosophers, Greekes, Latines, Lawyers, Divines, Catholicks, Hereticks: All tongues and Nations have ever thought an Usurer as dangerous, as a Theefe. The very sence of nature prooveth it to be so. If the stones could speake, they would say as much. These are the very words of One, whom you pretend to be on your side.

But let us come to the Scriptures. And dare you indeed *M.S.* stand to the triall of that pure and Heavenly Touchstone?

Consider then these places:

Exod. 22. 25. *Levit.* 25. 35, 36. *Dent.* 23. 19. *Psal.* 15. 5. *Ezek.* 18. 13, 17. *And* 22. 12. *Pro.* 28. 8. *Luke* 6. 35.

Now *M.S.* against these many Places condemning *Usury*; bring you so much as One, to allow it. You are not able to bring One rightly understood. Here is then as great odds in Divine, as Humane Authorities. What will you doe now? Fall to your shifts.

In the Scriptures, say you,

Ob. 1.

1. Mention is made of the poore expressly; and therefore you conceive, and conclude, that if you forbear the Poore, you may be an Usurer to the Rich. And for this purpose Usurers urge *Exod.* 22. 25. *Levit.* 25. 35.

Ans. 1.

1. May you not *M.S.* as well reason thus from ver. 22. of the same Chap. *Thou shalt not afflict any Widow or Fatherlesse Childe*: Here mention is

is onely made of the Widow and Fatherlesse: therefore, if these bee forborne, Thou maist afflict a married woman, or a childe that hath a Father? May you not by the like reason proove it no sin to rob a rich Man: because *Prov. 22. 22.* It is said: *Rob not the poore, because He is poore.* Then all robbery is not forbidden, but onely that towards the poore, (may you say) and therefore we may rob the rich, because He is rich, and may well spare it? You may clearly see the poorenesse and weakenesse of your collection, by these three absurd paralell inconsequences.

Moses forbiddeth to oppresse an hired servant, that is poore and needy: *Dent. 24. 14.* therefore, if He be rich and wealthy, you may oppresse Him. This is Usurers Logique. See *Psal. 82. 3, 4.*

2. In other places of Scripture, as *Psal. 15. 5.* *Ezek. 18. 13, 17.* And *Chap. 22. 12.* *Prov. 28. 8.* Which are as it were Commentaries, and Expositions of the Law, there is no mention of the poore, but *Vsury* is absolutely forbidden without respect of Persons. Nay to prevent this shift, and to demonstrate this evasion to be very frivolous. In the very Text *Dent. 23. 19.* there is no mention of the poore at all, but the Law is delivered in generall termes: *Thou shalt not lend upon Vsury to thy Brother.* Now He is your Brother whether He be rich or poore. The partition wall is now taken away, and both Jew and Gentile, rich and poore are Brethren;

Brethren; and therefore we must exact Usury of none, except we would be worse then Jewes. Our Saviour Christ *Luke 6.34.* gives this testimony to the very sinners of His time amongst the Jewes, that they would lend One unto an Other, that they might receive so much, as they lent. And therefore not so much, as the least Usury was lawfull towards a Brother, whether He were poore or rich. If the Scriptures had put such a difference betweene the poore and the rich, as betweene the Israelite and Cananite: To the rich thou maist; but to the poore *Thou shalt not lend upon Vsury*: Then the case were cleare. But *Deut. 23.19,20.* G O D makes opposition, not betweene the poore and the rich: but betweene an Israelite and Cananite. For by stranger in that Place, is meant the Hittites, the Gergashites, the Amorites, the Cananites, the Perisites, the Hivites and Jebusites, and no other stranger as may be collected, *Levit. 25.35.* So also doth Saint *Ambrose De Tobia, cap. 15.* *Paulus Fagius Annot. in Cald. Paraphras. in Deut. 23.20.* *Iun. Annot. Ibid.* expound it. What these the Jewes were commanded to destroy, *Deut. 7.12.* And Usury was as teeth given them, and allowed by G O D to eat them up withall: Whence that of Saint *Ambrose De Tobia, cap. 15.* *Ab hoc usuram exige, quem non sit crimen occidere.* Seest thou a man, whom Thou maist lawfully kill? take use of Him, but not of thy Brother.

See Fenton
p. 45.

3. In the lawes of Usury, and other prohibitions

Thus much saith He, I thought expedient to
speake of the loathsome, & foule Trade of Usu-
ry...I call G O D for a record unto my soule, I
have not decived you, I have spokē unto you the
truth. If I be deceived in this matter, O G O D
Thou hast deceived me. Thy word is plaine.
Thou saiest: *Thou shalt take no Vsury.* Thou saiest,
He that taketh increase shall not live. What am I,
that I should hide the words of my G O D, or
C keepe

keepe them backe from the hearing of this people. The learned old Fathers taught us, It is no more lawfull to take Usury of our Brother, then it is to kill our Brother, &c. Marke the last words. And then looke backe, upon pag. 78. lin. 22. Where He saith: *He is thy Brother, whether he be poore, or rich:* And then conclude plainly, that the worthiest of your pretended Patrons, condemnes Usury-taking, either of rich or poore.

Aspidis morsui similis est pecunia usuraria.

Qui ab Aspide percutitur quasi delectatus vadit in somnum, & sic per suavitatem soporis moritur. He that is bitten by Usury, (saith *Chrysostome*) is as He, that is stung of a Serpent: it lulls Him asleepe so sweetly and secretly, that the poore man is undone before he be aware.

*Chrys. Hom. 12.
Ope. imper.*

* Hence that
of *Iunius*.
*Nos itaq; dam-
nandam esse,
& intolerandā
omnem Usuram
non possumus
adfirmare, sed
eam solū que
pauperes, egen-
tes opprimit,
aut pauperes
facit. Appen. ad
Expl. Levit.
pag. 115.*

6. If Usury finde a man rich, * yet it bringeth with it a paire of Canniballs chops, and many cruell teeth, to eat out the very Heart of His estate, except He cunningly heale Himselfe by some other covetous way, or unconscionable course. Hence it is that Saint *Chrysostome* compares Usury to an Aspe, which together with the poyson infuses a delightfull sleepe, but in that sweete insensiblenesse takes away life: So the Usurers money refreshes for a time, but by little, and little, sucks out the very life-bloud of a mans estate. And that of Saint *Basil* to those, that objected, That many by the im-
ployment

ployment of money borrowed upon Usury, grew rich: But I thinke, * moe saith He, have come to the Halter. His meaning is, by paying Usury they have growne poore, and so fallen a stealing, and at last come to hanging. To speake more fitly to these sinnes: But I thinke moe have prooved Bankrupts. And againe, How many of your Usurers are free lenders to the poore, except it be in cunning, out of a deepe Hypocrisie to colour their usurious cruelty?

* μετὰ δὲ
οἰμαὶ καὶ
βροχόν ἡ λάρη
Basil. Hom. adu.
Usur.

7. If the law of lending to the poore, without usury, should inferre the lawfullnesse of lending to the rich upon usury: How should Gods purpose in those places, for the benefit of the poore have place? Because by this meanes, it would come to passe, that the poore should very hardly, or not borrow at all. For how few would lend to the poore for nothing, when as they might lawfully lend to the rich upon usury. Now it were better for the poore, that He might borrow upon Usury, then that He might not borrow at all.

The Scripture, saith the Usurer, forbids onely byting *Vsury*: τὸ *Morsury*, which cometh of τὸ *Mordere*, to bite. There is, thinkes He, a certaine toothlesse, or not byting Usury, which is tollerable.

Ob. 2.

1. What will not Covetousnesse catch at, to nourish its greedy, and cruell humour? *Nesheck* is the common, and ordinary name whereby all Usury is signified in the Hebrew Tongue.

Ans. 1.

And doth Metaphorically intimate, and import the aggravation of the sinne, not a distinction of the kindes of Usury. Epithets and Originals serve more to amplifie and exaggerate, then to distinguish. See *T. pag. 53.* Hence it is also that Usury in the *Chaldee* is called חבוליה *Chabulia*, i.e. *Perditio, quod omnes opes perdat & devastet.*

2. The Scriptures condemne not onely *Nesheck*, but also *Tarbitb*. And that not onely in the Comments of the Prophets: *Ezech. 18. 17.* And *22. 12.* *Prov. 28. 8.* But in the very Text of the Law it selfe, *Levit. 25. 36. Vetarbitb.* And *v. 37. Vbemarbitb.*

Nesheck is the ordinary word in the Scriptures, to signifie Usury. Which the HOLY GHOST useth to expound by other two words *Tarbitb* and *Marbitb*, both derived from the same roote אמץ to increase, So that he which exacteth an increase, or gaine above His principall, or requireth more by covenant, then He lent, He taketh *Tarbitb*, or *Marbitb*, that is Usury. Which is condemned also, saith that most worthy *Calvin*, (whom you produce as a Patron) in *Pentateuchum*, pag. 355. That He may cut off, saith he, such cavills as these: *Vtrumq; nomen conjungit-----ac generaliter damnat quamlibet sortis accessionem:* He couples both the words together----- And generally condemnes any addition, or increase above the principall. For why should *Tarbitb* bee added unto *Nesheck*, both in the letter of the

the

the Law, and the Prophets: It must be added; either *ἀνέμικτος*, to make a gradation; as if not biting Usury onely were forbidden, but any increase whatsoever: Or *ἰσχυρῶς*, that is by way of exposition, and so of equall latitude with *Nesheck*, onely declaring what GOD meant by biting Usury, namely any increase in that kinde whatsoever. And therefore let not us distinguish these words which the HOLY GHOST confounds, saith a worthy man; and much lesse upon this frivolous distinction, let us build our practise or hazard the eternall salvation of our foules. For we know who hath said: *He that putteth forth to Usury, or taketh increase; shall He live? He shall not live, He shall die the death; and His blood shall bee upon Him.*

Ezek. 18. 13.

3. All Usury biteth. Money so lent cometh not empty home: but biteth off, knaweth away, and bringeth with it some part of the borrowers wealth, and substance. Who if He cannot licke Himselfe whole againe, or heale His wound by biting others, (as commonly they doe) He findeth and feeleth in the end, that Usury hath teeth.

Biting is individuall, and essentiall both to the name, and nature of Usury. It ever bites, and stings one, or other, lesse, or more, either the Borrower, or the Common-wealth. Either like the morning Wolfe, it sucks out the life, the blood, and the marrow of a poore man: Or like a Mastive it snatches a peece and portion

out of the Borrowers substance : Or like a Waspe or the Dog-flie, it stings Him, one way, or other in His estate. All sorts of Usury, even from that *Centesima* the hundreth part monethly, which *Nehemiah* complaineth of, which is twelve in the hundred ; unto that *semiticium Fœnus* ten shillings in an hundred pounds, hath teeth. Some more empoisoned, bloody Fangs then other : but all bite. In every *Tarbith* there is a *Nesheck*, as in every Usury.

But suppose the Borrower sometimes in respect of the event, or by accident, be not so bitten, or damnified : yet the Common-wealth, and especially the Communalty pay for it. Our Divines expresse the Point thus :

If money be lent to spend upon necessaries, there is no question made, but the Borrower is sore bitten in paying Usury, when he hath spent the principall : If it be lent to lay out for gaine, then must the Borrower first be sure of so much cleare gaine, as will pay the use ; which is a reasonable gaine of it selfe : For the Usurers of nine, or ten in the hundred doe live richly of that accursed trade : yea many honest Tradesmen, will confesse, that if they could with their owne free stock, raise the like gaine, one time with an other, that the Usurer doth with his money ; and with the like security of the principall, they would think, they had made a very good market, notwithstanding all their care, and travell. This reasonable gaine then, must

must first bee raifed by the Borrower, to pay the Ufurer; and over and above, He must exceed this reasonable gaine, to maintaine Himfelfe, and His Servants, because this gaine is none of His. If He doe not exceed then, and that in some proportion, Hee hath loft His labour, and shall feele Himfelfe fore bitten. And if the Borrower doe exceed the Ufurers gaine, to maintaine Himfelfe; I demand then who paieth this excessive gaine over and above that reasonable gaine, of ten in the Hundred? Who but the Common-weale? No: fo, faith the Ufurer; For the Borrower must sell, as the Market goeth. It is very true. Therefore, say I, If He and His fellowes be not able to raife the Market, to their owne price, they shall bee loofers: If they can inhaunce it, (as they may the more easily, because the number of such Borrowers is great, and because the rest desiring to sell as deare as they can, will most willingly joyne with them) then the Common-weale must needs beare the burthen, and especially the poorer sort, who buying all by peece-meale, at the last hand, must bee fore bitten, though they know not by whom.

It is incredible, to consider how great the biting and burthen of the Common-wealth is in this Case. For who doubts, but that many millions of pounds are put out to Vsfury in this Land yearly: partly in money borrowed upon Vsfury; partly in wares taken on trust, whether by Merchants themselves, or by
retailers

retailers from them, or by the particular buyers from the Retailers : the Usury of every million, which are many, after ten in the hundred, being an hundred thousand pounds. Of which biting and burthen the Common-wealth might be eased, If Usury were abolished.

Hear your owne Man, whom you produce as a Patron of Usury, that Reverend and Worthy *Jewell* : upon 1 *Theff.* 4. pag. 83. A Merchant taketh up of his Neighbour an hundred pounds, and must answer againe an hundred and ten pounds. He bestoweth it all in corne, and buyeth for his hundred pounds, an hundred quarters of corne. He sendeth it to the Market, the people have need of it, and buy it. If He sold it for eight groats a Bushell, he might make up his hundred pounds, and be a gainer. But unlesse He make up an hundred and ten pounds to discharge his Usury, He must needs be a looser, and undone. But undone He will not be : Hee will rather undoe many others. Therefore He setteth price at three shillings, and so maketh His money, and paieth the Usurer, and saveth Himselfe, and is no looser. Who then paieth the ten pounds ? Who is the looser ? Any man may see. The poore people which buy the corne. They finde it and feele it in every morsell they eate. Thus, saith He, if the Merchant Borrower be not hindred by the Usurer : yet the people that buyeth His wares are plagued. Thus it is no hard matter to finde, that howsoever Usury bee used, it is alwaies dangerous,

dangerous, and beguileth the people, and is therefore the destruction, and overthrow of the Common-wealth.

4. M. *Dike* tells us pag. 211. How full of subtle and sophisticall wit our hearts are in cunning distinctions for the confusion of our soules.

He instanceth in some Particulars.

1. If that pregnant Text, saith He, 1 Cor. 11.14. be prest against long haire: *It is shame for a Man, to weare long haire.* It will be replied: It is onely to be understood of such haire, that is as long as womens.

2. If the negligence of Pastours be checkt by that expresse Commandement: *Feede the flocke:* That is saith the deceitfull heart: Either, by thy selfe, or by another.

3. I may add a third and a very fit Instance. If the Usurer be prest with this and other places. His most ordinary Answer is: They are to be understood of Biting not of toothlesse Vsury, &c.

But what, as he there intimates, if these, and the like, proove to bee rotten distinctions, and false Glosses upon their Beds of death, as indeed they are; whats then their Case? As they have leaned in their life time upon such broken staves of reed: Their confidence in that dreadfull houre will be but as the Spiders House.

The Law of *Moses* concerning Vsury is judiciall not Morrall; Politicall onely, and pro- 06.3.

per to the Jewish Nation; not perpetuall, and binding all.

Ans. 1.

1. Prohibition of Biting Vsfury, Usurers will confesse, is Morrall, but, it appeares in answer to the second Objection; that, that Vsfury which is forbidden in the Law, is biting, *Ergo*, &c.

Or thus: That which is unjust and uncharitable is forbidden by the Morrall Law: But when out of the uncertaine negotiation of the Borrower, the lender covenanteth for certaine gaine, and accordingly exacteth His covenanted gaine; as well out of the Borrowers losse, as out of His gaine, which is the practise of the Vsurer, (For in the contract of actuall Vsfury there is an absolute covenant for certaine gaine, which the Borrower, whether He shall gaine or loose is absolutely bound to pay together with the Principall) is unjust and uncharitable, *Ergo*, &c.

Great and certaine gaine accrewes to the Vsurer: sometimes out of little gaine; sometimes out of no gaine; sometimes out of losse; alwaies out of uncertainties; alwaies out of labour and paines, out of care and cost, out of hazard and perill to the Borrower. Is this confectionable?

2. The Law of free lending is Morrall, renewed by our Saviour, *Mat. 5. 42. Deut. 15. 8. Luke 6. 35.* Therefore the Law, which forbiddeth Vsfury, or lending for gaine, is Morrall: For the same Law, which commandeth the Affirmative,

Affirmative, condemneth the Negative.

3. The Holy Prophets raunge it amongſt the greateſt abominations, and moſt hainous tranſgreſſions of the Morrall Law : with lying, back-biting, deceit, wrong, bribery: *Pſal. 15.* with Idolatry, oppreſſion, adultery, cruelty, unmercifullneſſe to the poore, bloud-ſhed, and murder: *Ezek. 18.* With the profanation of holy things, with the abomination of uncleaneſſe, with the unnaturall ſins of inceſt, *Ezek. 22.*

So doth the Doctrine of our Church: Verily ſo many as increaſe themſelves by Vſury, by extortion, by perjury, by ſtealth, by deceits and craft; they have their goods of the Devils gift. *Homily For the daies of Rogation weeke, p. 2.*

P. 3.

Excep. G O D permitted the letting out of Vſury to the ſtranger, Therefore the prohibition cannot bee Morrall: For G O D is not wont to permit any tranſgreſſion of the Morrall Law.

Rep. Nay. Sith the ſame Vſury, which is forbidden in the Law is permitted towards a ſtranger, therefore this permiſſion of Vſury is proved to be judiciall, and the Prohibition Morrall. This permiſſion rather prooves it to be unlawfull in it ſelfe: For if it were lawfull in it ſelfe, it ſhould not need to be permitted. The putting away of a mans innocent wife, being a thing ſimply, and in it ſelfe evil; was notwithstanding permitted to the Jewes.

If by stranger, wee understand stranger at large: I answer thus: As that permission which gave leave to the Jewes to put away their innocent wives with a Bill of divorcement, doth not disprove the Law forbidding Adultery to bee morrall, but prooveth it selfe to be judicall: so permission of Vsury towards strangers doth not proove the Law forbidding Vsury to be Morrall; but it selfe is evidently proved to bee Judicall.

And there may bee reasons also of this tolleration.

1. The hard-heartednesse, and covetousnesse of the Jewes might be such, that if they were not permitted to practise Vsury towards strangers, they would exercise it against their Brethren.

2. And the injustice of the Gentiles with whom they did traffique, such, as they would be sure to exact Vsury of the Jewes.

Therefore, that neither the Gentiles, by inequality of negotiation should eate up the Jewes, nor yet the Jewes should oppresse one another by Vsury, it might be, that in these civill respects the LORD permitted it towards the Gentiles. Which tolleration in civill respects might absolve the Jewes in the externall Court, but not in the Court of Conscience: no more then the tolleration of divorce did dispence with that hardnesse of their hearts before GOD.

Mat. 19.

But if by stranger be meant onely, the remnant

nant of the Cananites, as * Saint *Ambroſe*, and * Saint *Hierome* amongſt the ancient: *Iunius*, and *Tremelius* of latter time have expounded it: which I take to be the righte ſence: See before pag. 2. Dow. pag. 210. I answer thus: Permiſſion of Vſury towards the Cananite doth no more proove the Law againſt Vſury not to bee morrall, then the allowonce of Man-ſlaughter in warre doth proove the Law forbidding murther to be judiciall. For although the Law cendemning Vſury be never ſo perpetuall, or morrall; yet notwithstanding as other Commandements of G O D; ſo is it to bee underſtood with this limitation, and reſtraint; namely, unleſſe G O D otherwiſe appoint. All other Theft, as well as Vſury, is forbidden in the morrall Law, but if G O D, by ſpeciall warrant allow the Iſraelites to ſpoile the Egyptians at their departure out of Egypt, they may lawfully doe it. It is a fearefull morrall tranſgreſſion, for a Father to kill His onely Sonne: but if the L O R D bid *Abraham* kill His owne Sonne; Hee is authorized to doe it. Mortall Princes diſpenſe with their Lawes, who then dare abridge this royall prerogative in the mighty L O R D of Heaven and Earth: Whoſe Holy Will is the Rule of juſtice.

G O D appointed His people to deſtroy the Cananites, *Numb. 33. 51.* And it was fitteſt by litle and litle. See *Exod. 23. 29, 30.* *Deut. 7. 22.* Vſury therefore was a fit Conſumption ſo to cate them out. Whereupon ſaith S. *Ambroſe*.

* *Lib de Tobia*
cap. 15.
* *Lib. 6. in*
Ezek. 18.

*Lib. de Tobia.
cap. 15.*

Ab hec usuram exige, quem non sit crimen occidere. Thou maist lawfully take Vsury of Him, whom Thou maist lawfully kill.

But howsoever, the Partition wall is now broken downe; And there is no such difference of Brother and stranger. I am sure amongst those, that professe the name of CHRIST: And therefore, it is execrable amongst us, without all contradiction.

These three precedent, are the most ordinary starting Holes, the Vsurers haunt: Others are sometimes urged; but not with that pertinacy, and confidence. Such as these:

Ob. I.

I deale, saith the Vsurer, as I would be dealt with; and doe as I would bee done by: And therefore all that while, I hope I doe no wrong. I would willingly pay ten in the hundred, if I had need, and then why may I not take so.

Answ. I.

1. That royall Principle of Nature, Doe as thou wouldst be done by: must be expounded and understood according to the Grounds of a good Conscience, Dictates of right reason, and Rules of a just and rectified will: not out of the mists and miseries of a depraved and exorbitant judgement. Otherwise, *Abimelech, Saul*, and others of that desperate Ranke, and resolution, might conclude that it were lawfull for them to kill other men, because they were willing to be killed themselves: See *Iudges 9. 54. 1 Sam. 31. 4.* For they might say: They did but as they would be done by. It would also follow very absurdly:
The

The Magistrate being in the Malefactor's case, would gladly be pardoned; therefore He must pardon the Malefactor. Some man would be content, villanously to prostitute His wife, whom He cares not for Himselfe, to others; therefore He may abuse an other mans wife, whom He loves better. These and the like absurd, and abominable *non-consequents* demonstrate the vanity of the Vsurers inference: And that, that Royall Law, and Rule of our SAVIOUR CHRIST is not generall, but restraineable to that will of man, which is ruled by nature, and GODS Law.

2. We must then have recourse to this generall Fountaine of the second Table, and fetch light and direction thence, when we have no expresse and speciall word in GODS Booke: but the Scriptures have clearely and directly determin'd and resolv'd the point of Vsury.

3. If the Vsurer were in the Borrowers Case, He would not willingly, as He pretends, give ten in the Hundred; I meane with an absolute and free will; but of force and constraint; because without paying after that rate He cannot have it.

If a man would borrow upon Vsury, either to ingrosse or forestall, or to compasse some unlawfull matter; that were a corrupt will, and no Rule. But if His desire so to borrow were just and lawfull, (as in some cases it may be) then it is no entire will, but mixt and forced by some necessity, for the avoiding of a greater Evill;
and

Hottom. de
Usur. 85.
Arist. Eth. 1.1.

and therefore deemed in the eye both of Law and reason to be no will at all. He that would borrow; should have need to borrow; for a needlesse desire is unlawfull: And hee who hath need to borrow, would not willingly borrow, but for need; much lesse, would He pay Vsury, if with convenience He might borrow freely. Therefore the will of the Borrower, in this case, is either corrupt, or no will at all; and so consequently without the compasse of CHRISTs Rule.

The will of the Borrower in this Case, is like the will of an honest traveller, in giving His purse to the Arrant Thiefe, for feare He should loose both purse, and life: Is this man willing, thinke you to loose His money? Or like the will of a man, whose House being on fire, plucks downe part thereof to save the rest. Willingly indeed as the Case stands with Him, yet not simply but upon necessity. So the Borrowers will is not free, but forced: and so will against will.

Ob. 2.

Vsury is not forbidden in the New Testament, therefore in all likely-hood no such sinne, as you say it is.

Ans. I.

I. Though it be not forbidden by name in the New Testament, yet that prooveth it not to be lawfull. An argument drawne from the Testimony of some one part of the Scripture negatively, doth not hold. It is sufficient, that it is forbidden in the Old Testament, and namely, in the Morrall Law of GOD which

which is common, and perpetuall.

2. Biting Vſury is not mentioned in the New Testament, and yet condemned, by the Vſurers themselves.

3. Neither are remooving the Neighbours marke, Polygamic, jealousie, treason, tyranny, &c. by those very names censured in the New Testament, and yet are manifest and grosse transgressions of the Morrell Law.

4. Though Vſury expreſſely and by name, be not censured in the New Testament: yet by necessary consequence it is, which is sufficient.

1. Sometimes under the affirmative, *Mat. 5.*

4.2. 2. Sometimes under the Generall, *Ephes.*

4.28. 1 *Theſſ. 4.6.* 3. Sometimes by an Argument drawne from the greater, *Luke 6.35.* For

if I must lend without respect of mine owne profit, or without expectation of any benefit, or gaine thereby; as they most expound that place, then much more must I lend without a Covenant, especially without an absolute covenant for gaine. And if I must lend without expectation of the principall, as others understand it, then much more without expectation of an over-plus above the principall. 4. Sometimes by an Argument drawne from the lesse, *Luke 6.34.* Doe sinners lend one to another without Vſury? And shall not Christians much rather?

May not a man, as well take use for His money, as the Land-lord rent for the ground which He letteth? No. For: *ob.3.*

E

1. The

Ans. I.

* How money
is unlawfull.
See *Fent. pag.*
93, 94.
Because it
may be subject
to cavill, *Ibid.*
pag. 65.

1. The Land hath a fruitfull use in it selfe, answerable to the Rent: Both without mans helpe, as in Meadowes, Pastures, Woods, Mines, &c. As also with, as in arable grounds, wherein the rent is proportioned according to the fruitfullnesse thereof. But money being spent in the use thereof; * the gaine that is raised thereby, is not the fruit of the money; but of His skill, and industry, that doth imploy it, and therefore must needs be uncertaine. And what gaine is raised, ought to belong to Him, by whose paines, and industry, it ariseth. So Thou demandest thy gaine out of the fruit of His paines, and industry; not out of the fruit of the money. And it is a strange Thing, that whereas an 100 lb. worth of land, which is fruitfull by nature of it selfe, will scarcely yeeld 6 lb by the yeare: yet an Usurer will have out of His money, which hath no fruitfull use in it selfe 10 lb. &c. Thus He wofully requires gaine for another mans paines, industry, hazard, cost, and charge.

2. The property of the ground belongeth to the Land-lord; And therefore the profit belongeth partly to Him; in respect of the fruitfull use, of that which is His owne, partly to the Tenant, for his labour and charges.

3. In things let, the Letter alienating the use, and not the property is to receive the selfesame particular, and individuall Thing, after it hath beene used, being for the most part, the worse, and impaired by using. And therefore receives
profit

profit for the Thing hyred. As in the letting of an house, wherein they often instance, Saying, why may not a man, as well take 10 lb. for an hundred in a yeare: As 10 lb. for an House in some great City, which cost Him an 100 lb. The use of the house is habitation; And though it bee kept Tenant-able: yet it growes worse, and towards ruine in the more substantiall Materialls. But in money it is otherwise. The very same is not to be restored, but so much in value. Whence M. Greenham reasoneth: Recompence is to bee made, where the thing is the worse for using: but money is not the worse for lending; therefore nothing is to bee taken, for the lending of it.

4. He that letterh any thing, beareth the hazard of the thing He lets. As the Land-lord of the ground; not onely of the Title: but also of all casualties, and calamities any way incident: as overflowing by Sea, Invasion by enemies, &c. In which Cases, He is as well to loose His Rent, as the Tenant His labour, and charges.

A thing that is hired, if it perish without the default of the Hirer it perisheth to the Owner: 1. Because He is the Owner. 2. Because it went for the hire. According to the equity of GODS Law, *Exod. 22. 15.* If the Owner thereof stand by (to wit, that it may appeare, not to be the Borrowers default) the Borrower shall not make it good. For if it be an hired thing, it came for the hire.

But in money, the Borrower standeth to all the hazard,

*Commo latorius
non tenetur de
casu fortuito,
nisi se adstrinx-
erit. Cod lib. 4.
Tit. 23. Leg. 1.*

See Dow.
How usury
differs from
the lawfull
contract of
Location.
pag. 158.

hazard, in common equity: because the Borrower is the right Owner for the time, and in all right, every thing perisheth to the right Owner.

1. Now it is a Rule in Law: To whom the hazard appertaineth, to Him the fruit and profit belongeth.
2. And whereas the Principall may perish, without the Borrowers default: To covenant for certaine gaine, for that which is hazardable, is unjust.

But if there were nothing els, it is more then sufficient: That letting Land to Tenants is not disallowed by Gods Word, or any other learning; in any time or age, &c. But lending for use is condemned by Gods Booke, and all other learning; and in all ages.

Ob. 4.

But as the world goes now, saith the Usurer, & as mens manners now are, Common-wealths cannot stand; Trafficke cannot be maintained, Tradesmen cannot live without it, Ergo, &c.

Ans. I.

* P. 2. Loc.

Com. pag. 462.

Hoc argumento

posset tota

scriptura ever-

ti. Mundus

enim non vult

in via Manda-

torum Dei am-

bulare. Num

igitur ducendū

est, non esse

peccata, quæ in

Scriptura ma-

nifestè dam-

nantur?

1. By this Argument saith * *Chemnitius*, may the whole Scripture be overthrowne. For the world will not walke in the waies of Gods Commandements: Must we therefore say, that those are not sinnes, which are manifestly condemned in Scriptures?

2. How then did the state of the Jewes consist without it, which was of Gods owne constituting? To say absolutely, that Common-wealths cannot stand without it, is to derogate from Gods wisdom, in ordering His own people,

people, amongst whom He would suffer no Usury.

3. If the Jewes had thus pleaded in those times of that toleration: that their Common-wealth could not stand without the Bill of divorce: yet notwithstanding, if any had put away His wife, save in the Case of Adultery, though He might have escaped in the externall Court: yet was He not absolved in the Court of Conscience, and before G O D s Tribunall. So though an Usurer were now able truly to say, (which He cannot) that the Common-weale could not stand without Usury: yet for all that, Woe unto them that put their hands unto that cursed and cruell Trade.

4. If it were so; the Argument prooves no more then this; That Usury is a necessary Evill: And this necessity argueth not the lawfullnesse of Usury, but the wretchednesse of the world, which as Saint *Iohn* saith, *lieth in Evill*.

A Drunkard hath brought His Body into such an Habit, that unlesse Hee drinke abundantly, even to the turning of His braine, Hee is sicke againe. Is not drunkennesse in that Person sinnefull, because so necessary?

A Sonne of *Belial*, by prophane education, and continuall haunting wicked company, hath brought Himselfe to that passe, that it is almost, as necessary to Him to sweare as speake: is Blasphemy in this man no iniquity, because custome hath brought upon Him this cursed necessity?

Rom. 2. 5.

Some men according to Saint *Paul* have so hardened their hearts, that they now cannot repent: Is impenitency in them no sinne, because their owne corruption, and custome have made it necessary?

If this necessity, they talke of, were impos'd by God, this reason were good: Usury is necessary, therefore lawfull. But sith men and states have drawne it upon themselves, by their corruptions, and custome of sinne, it doth rather aggravate, then extenuate the fault.

And certaine it is, Cities, Incorporations, and Townes have drawne upon themselves this necessity by such Cart-ropes of iniquity, as these:

1. Hardnesse of mens hearts, and want of charity in those, who be well able to lend, and will not, whereby many are forced to pay Usury.

2. The covetous desire, and pride of Borrowers, who out of an insatiable appetite to compass great matters, doe take up great summes of money for money; that no money is to be spared, for such as bee true Borrowers indeed.

3. Falsehood and deceit in disappointing One another of their monies at the times appointed; so as missing of their owne, they are compelled to take up of others, or els to shut up their doores, as they say.

Now if a pretended necessity springing from the hardnesse of mens hearts, and corruptions of the times bee sufficient to justifie Usury; then

then by the same argument may any other sinne be defended.

G O D S Law did ever intend, that men should lend One unto an other: In charity to the poore; In friendship to their equals, to receive the like curtisie againe. Which Duty, if men would performe, there were no necessity of Usury.

5. It may be, without taking up money of the Usurer, the Tradesman cannot live in that bravery, and fashion, nor drive His Trade to that height, nor purchase so much land, keepe such a Port, and state, &c. But let Him know, that it is a thousand times more comfortable to carrie a lower saile, to content Himselfe with moderate and lawfull meanes of getting, to keepe a good conscience; then to enrich Himselfe by such practises, as be either forbidden, or doubtful. *Better is a little with the feare of the Lord, then great treasure with trouble;* trouble of conscience, at the houre of death. Whosoever laieth this for his ground; that He will be rich: worth so many hundreds within such a time, &c. must needs ensnare His conscience with many necessary evils, whereof Usury is one. *For they that will be rich, saith the Apostle, fall into temptations and snares, which drawpe men in perdition, and destruction.*

Luke 10. 34.

ru 100.

Pro. 15. 16.

1 Tim. 6. 9.

But the Law of the Land allowes it, saith the Usurer therefore I hope it is lawfull.

Ob. 5.

1. I denie the consequent, No Law of man can abrogate, or disannull the Law of G O D.

Answ. 1.

is.

*Accusatio enim
potius, quam
excusatio, ubi
mandari est
aperta trans-
gressio Aug de
Civili, Lib. 14.
14.*

is not the Law of man, but the Law of God, which is the Rule of our Conscience. The Law of Man may cleare Thee from civill penalties in the outward Court, and before the Magistrate: but it cannot free Thee from the guilt of sinne in the Court of Conscience, and vengeance due by the Morrall Law.

2. But the truth is, the Vsurer doth grossely mistake. For Vsury is branded, and censurable both by 1. The Common Law. 2. Statute Law. 3. Ecclesiasticall Law.

1. The Common Law did anciently expose the Vsurer wholly to the Censure of the Church. But if the Vsurer died in this sinne, so that the power of the Church could extend no further, because He died out of the Church: yet then the Common Law discover'd and discharged its edge and hatred against this cruell sin; by taking vengeance upon Him in His goods, and posterity. *Omnes res mobiles, & omnia catalla, quae fuerunt Vsurarij mortui, ad usus Domini Regis capientur, penes quemcunq; inveniuntur res illae. Haeres quoq; ipsius hac eadem de causa exheredatur secundum ius regni, & ad Dominum, vel Dominos reuertetur hereditas. Randolphus de Glandvilla, Hen. 2. lib. 7. cap. 16.* His goods were all forfeited to the King, and His Lands returned to the Lords of the fee. Neither was this meant of any immoderate Vsury above ten in the hundred. For the same *Glanville*, who was Lord chiefe Justice of England, in the daies of *Henry the second*, teacheth, that

that Vſury is committed, when a man having lent any thing, that doth conſiſt upon number, weight, or meaſure, doth take any thing over, and above His loane, *lib. 10. cap. 3.*

Eduardo Rege. 1042. 37. De Vſurarijs.

Vſurarios quoque defendit Rex Edvardus, ne remaneret aliquis in toto regno ſuo. Et ſi quis inde convictus eſſet, quod ſexus exigeret, omni ſubſtantiâ propriâ careret, & poſtea pro Exlege haberetur? Hoc autem aſſerebat ipſe rex, ſe auდიſſe in curiâ regis Francorum, dum ibidem moraretur, quod Vſura radix omnium vitiorum eſſet

Leges boni Regis Edvardi, qui regnare cepit Anno ſalutis 1042. Pro Exlege
For an Outlaw, and ſo deprived of the Kings protection, and of His Lawes.

So deteſtable was an Vſurer in the eye of the Common Law, before any thing was provided by Statute.

2. As concerning the Statute-Law now in force; Men (looking onely upon the praſtiſe of Uſurers, and connivency of Magiſtrates; not upon the Act of Parliament it ſelfe made *Anno 13. cap. 8.*) very much miſtake, when they conceive that Vſury hath any approbation thence.

For how can it be ſaid to allow it? 1. Sith the Title of it, is an Act againſt Vſury. 2. And the ſtatute it ſelfe calls it a ſinne, and deteſtable, and forbidden by the Law of G O D. Theſe are the words: For as much as all Vſury being forbidden by the Law of G O D, is ſinne, and deteſtable: What ſecurity then haſt Thou to thy conſcience out of this ſtatute, for thy praſtiſe of Vſury?

Nay how doth it permit it? Sith all Vſury above ten in the hundred is thereby to be puniſhed

shed with the forfeiture of the triple valew of the principall: Nay, any at all, whether it bee after the rate of ten in the hundred, or under, though it were but of one in the hundred, is to bee punished with the forfeiture of the Vsury or increase.

Heare the Proviso of that noblest Parliament of late. *Jacob. 21.* in their Act against Vsury.

Provided, That no words in this Law contained, shall be construed, or expounded, to allow the practise of Vsury, in point of religion or conscience.

3. Even the latest Canons, Can. 109. ranke Vsury amongst notorious Crimes. Would have Usurers presented; severely punished; not admitted to the Holy Communion, till they be reformed.

Heare Our Churches Doctrine. Verily so many as increase themselves by Vsury, by extortion, by perjury, by stealth, by deceits, and craft; they have their goods of the Divels gift. *Hom.* For the daies of Rogation weeke. *P. 2. P. ppp. jii.*

Ob. 6.

But both are gainers, may the Usurer say, both the Borrower, and the Lender. Here then is no breach of Charity, &c.

Answ. 1.

1. By the same reason, may a man justifie the Officious Lie to keepe His friend out of danger. But the truth is, both lying, and Vsury, whatsoever good, or gaine come by them, are starke nought, because forbidden in the Booke of GOD. Wherein, It is a constant Rule.

That

That we may not doe evil, that good may come there. Rom. 3.8.
of.

Suppose a fellow sell an 100. stolen sheepe to some of His Customers for 40 lb. Here they are both gainers: But yet for all that, there is notorious villany.

A Minister comes to a covetous Patron; gives Him an 100 lb. for a presentation to a living of an 100 lb. *per Annum*. Here, they are both gainers: But yet for all that, Here is execrable Simony.

2. If the Borrower gaine by accident, in respect of the event, or any accidentall concurrence; It is no thanks to the Usurer: For His contract neverthelesse is unequall, and unconscionable: Because Hee covenanteth for certaine gaine, out of the Borrowers uncertaine traffique, from that, which hath no fruitfull use in it selfe, but is spent in using, (I meane money :) alwaies out of labour and paines, care, and cost, hazard, and perill to the Borrower. Whether He gaine, or loose, whether He sinke, or swimme; or whatsoever become of the principall, whether it be lost by fire, or be taken away by theeves, or perish by shipwracke, or miscarry by any other calamity; He having made an absolute covenant for the restitution of the principall with Usury, is ready by vertue of the same to demand it, as well out of the losse of the Borrower, as out of His gaine. Now thus, Out of the uncertaine negotiation of the Borrower to covenant for certaine gaine, is not

onely uncharitable, but also unjust, and un-equall.

Exc. But the Borrower, will the Usurer say, is in a manner sure to gaine.

Rep. Why then (say I) will you not adventure with Him? For if the Lender will be content to hazard His principall; so that, He will not onely looke for no gaine, but when the Borrower gaineth; but also will be content to beare part with Him in His losse, He shall not deale by Vsury, but by partnership.

It is unjust to exact any money, where there is no commutation: But the Usurer the principall being safe doth exact Vsury, not for any thing els, but for the Duty of lending onely.

Ergo, It is unjust to exact Vsury.

3. Where there is no justice, there can be no charity: but Usurious contracts are unjust, therefore uncharitable.

An usurious contract including an absolute covenant for gaine, provideth for the lenders certaine gaine, as well out of the Borrowers losse, as out of His gaine, which is very un-equall, and unconscionable. But see the injustice of Vsury punctually and plentifully prooved by *M. Fenton. pag. 98, 99, &c.*

It is against justice, because there is a certainty of gaine exacted, where no gaine is, or can be certaine.

4. There is a breach, and violating of charity, where an Act of charity, liberality and mercy is turned into an Act of selfe-love, and covetousnesse and cruelty: But in the exercise of Usury, The contract of mutation, which the Lord hath ordained, to be an Act of charity, and liberality, is turned into an Act of selfe-love,

love, and covetouſneſſe and cruelty, therefore it cannot be denied, but charity is thereby violated, and liberality ſet to ſale.

1. Into an Act of ſelfe-love: For whereas by the ordinance of G O D, and by the Law of nature, lending is free, and charitable, intending the good of the Borrower, and not of the Lender: Vſury hath made it illiberall, and uncharitable, intending the lenders profit chiefly, if not onely, and ſeeking, yea covenanting for the lenders gaine, as well out of the loſſe of the Borrower, as out of His gaine.

Lending was not ordained to be a contract of negotiation, but an Act of charity, and liberality, wherein the Lender ſhould not reſpect His owne gaine, but the Borrowers good; Lending therefore upon Vſury is made an Act of ſelfe-love, wherein the good of the Borrower is ſought either not at all, or but in a ſecondary reſpect, as it ſerveth or furthereth the Lenders gaine.

2. Into an Act of covetouſneſſe: For lending hath theſe three fountaines:

1. Christian charity. When a man lendeth for the L O R D S ſake to His needy neighbour, looking for nothing againe.

2. Civill love, and humanity, when He lendeth to pleaſure His friend, looking for His own againe.

3. Covetouſneſſe, when He looketh for more then His owne.

3. Into an Act of cruelty. *A good man,*

saith *David*, is mercifull and lendeth. He then that perverteth this Act of Bounty and mercy to prey upon the want and necessity of His Brother, by covenanting absolutely for gaine by lending where He beares no hazard, is unmercifull. He that increaseth His riches by Usury and interest, gathereth them for Him, that will be mercifull to the poore. By which Antithesis, it seemeth that *Salomon* sets mercy in opposition unto Usury. See *D. Fent. pag 106*. And therefore *Luther* doubted not to call the Usurer a Blood-sucker of the people.

In Decalog.

Neither doth Usury onely deprave the Duty of lending, but quite drie up the Fountaine of love, for all free loane. Whereupon saith *Bucer*, A man may seeme now adaies, to be very impudent, That shall desire to borrow freely: for he that lendeth freely, doth for the most part make this account of His benefit, that besides the forbearance of His money, wherewith He doth pleasure the Borrower; He doth as much for Him besides, as if He gave Him the tenth part of the principall, out of His purse.

Append. in
Psal. 15.

There are two Acts of liberality: *Dono dare*, & *mutuo dare*. To give freely, And To lend freely. And this latter, whereby one man doth supply the necessities of an other, is so necessary, that humane societies cannot stand without it. Usury having stept into the roome of free lending, you shall have Usurers, and Patrons of Usury not ashamed to say, that Commonwealths cannot stand without Usury. Without
lending

lending indeed they cannot, but without Uſury, they both might, and ought.

See before more particularly, how Uſury offendeth, both againſt private, and publike charity: And is ever hurtfull either to the particular men that doe borrow, or elſto the Body of the Common-wealth, whoſe common profit is in all contracts eſpecially to bee regarded, pag. 4.

5. *Charity is kinde, 1 Cor. 13. 4. Vſury cruell. Charity ſeeketh not her owne, vcr. 5. Vſury ſeeketh an other mans: what conjunction then betweene Charity and Vſury?*

6. Suppose the Borrower be ſometimes holpen by Vſury, yet notwithstanding all Vſury is againſt charity: for the praſtiſe of it cannot ſtand with charity, and our allegiance to G o d, who hath forbidden it, denounced His judgments againſt it, made gracious promiſes to them that will doe the contrary: Nor with our charity, and duty to our countrey, unto which Uſury is in many reſpects noyſome: nor with that love, which wee owe to our owne ſoules; for whoſoever putteth forth to Vſury, or taketh increaſe, He ſhall not live, but die the death. Nay Vſury is ever repugnant to charity, if not as a hurtfull thing to our neighbour, yet as an unjuſt thing in it ſelfe. As hath beene prooved.

But I hope, ſaith the Uſurer, I may take uſe of One, that is richer, and wealthier then my ſelfe, &c.

1. If

Ans. I.

Deut. 15. 7, 8, 9

1. If thy Friend be rich and wealthy, and have meanes of His owne, to supply His wants, He ought not to borrow. The HOLY GHOST in the Borrower presupposeth need. And by lending in such a case to a greedy dealer in the world, that seekes to ingrosse, and forestall commodities, and covetously to compasse great matters, Thou approoves thy selfe no good steward of GODS blessings; and may so make thy selfe in some sort accessary to His ambitious, covetous, and irregular humour, and practises; and maist give Him weapons to doe hurt withall.

Luke 6. 34.

But if thy wealthy friend have some present occasionall need, (as the richest may have) then if Thou canst spare it, lend in kindnesse, and neighbourhood, to receive like curtesie againe an other time. This in such a case, is consideration enough for a Christian, because the Heathens desired no more but *τὰ ἴσα*. For even sinners, saith CHRIST, lend to sinners to receive the like: the like kindnesse an other time upon the like occasion. Humane society cannot stand without lending, and borrowing, saith *Basil*. And wherefore hath GOD made men sociable creatures, but to helpe one another upon such occasions?

In a word, To those, who have no need to borrow, we need not lend. But if we do lend, we must lend freely: or if we will looke to gaine, by those, which need not our help, we must deale with them, by some honest contract
of

of negotiation. For loane is such a contract, as G o d hath appointed to be free; and where it is not free, He hath condemned it with fearefull termes under the name of Vsury. In humane societies, saith *Ch. m. nitius*, G o d would not have all things set to sale; but He requireth that some duties should be free, which are deformed, and depraved, if either they be sold as things saleable, or let to hire as mercenary duties.

*Loc. Com. de
pauper. cap. 2.*

2. Thou must wrong neither rich nor poore: but out of the uncertaine negotiation of the borrower to covenant for certaine gaine in that manner, as I have said before; and to compound for profit onely, and to pluck thy neck and shoulder from all perill, and losse-bearing is unjust; *Ergo, &c.*

3. Thou shalt not lend upon Vsury to thy Brother, saith the Law, *Dent. 23. 19*, Now saith *Jewel*, He is thy Brother, whether He be poore or rich. See before *pag. 3*. And He is against you a witnesse of extraordinary validity, because you pretend He is for you.

Is not the use of money for a time worth money? And therefore if no more be taken, then the use is worth, there is no iniquity.

Object. 8.

1. So money which was ordained to bee the price of all wares, and the measure of all bargaines, is made a ware, contrary to the nature of it. For *Quod est medium venditionis, non potest esse terminus*. *Keckermans* distinction therefore of 1. *Mensura acqui rendi*: and 2. *Modus acquirendi*,

Ans.

is idle, & *petitio principij*: A begging of the thing in question. For the question is whether money may be a *modus acquirendi*.

2. The Rule holds in buying and selling, but not in Acts of Charity; therein it is no good Rule. Thou bidst, for the purpose, thy poore neighbour to dinner: This is money worth, for it cost thee money, and saveth them money at home: yet Thou wilt not set a price upon it. Why? because it is a worke of charity. Thou bidst thy rich neighbour sometimes; that which He eateth is worth money: yet thou wilt take none, but think foule scorne it should be offered. Why? because it is an Act of kindnesse, of neighbour-hood, of friendship. These things may not be bought or sold, the nature of them is to be free. Lending is a worke of mercy to the poore, of kindnesse to thy neighbour, and therefore is ever free. It is an unjust thing to sell charity, or friendship, as it is to sell justice: both are naught; this is bribery, and that is Usury.

3. I insinuated before, the reason why money cannot bee lawfully let, as well, as other things: none of those respects are incident unto money for which hire is lawfully required. For

1. Things which may be let have a fruitfull use in themselves, which a man may let, and alienate for a time, reserving the property to Himselfe: But money, and those other things, which are the subject of Usury, are spent in the use,

use, have no fruitfull use, which either may bee severed from the property, or valued apart.

2. The Hirer after the enjoyment of the thing Hired, restoreth the selfe same particular, being for the most part impaired in the use. The Borrower of money restoreth not the same particular impaired in the use, but the full value of the principall, rather with better then the worse.

3. The letter to hire, as He retaines the property: so Hee beareth the hazard: but it is contrary in Usury.

4. To say nothing of the cost and charge, the letter to hire, is many times at, with those things He letteth: whereas the Usurer is at no cost at all.

But may not the Usurer as well receive 10 lb. for His 100 lb. in a yeare, as the Merchant by imploiment of His 100 lb. perhaps 20 lb. or above, nay I know not how much sometimes.

I justifie none iniquity, or exorbitancy in Traffique, or any other Trade. But for the present instance, there is great difference. In the Merchants negotiation there is considerable: 1. Necessary cost. 2. Industry. 3. Hazard. For all which, or any one of them, a proportionable gaine may be allowed. But in Usury none of these are to bee found, and therefore no gaine should accrew thence.

Doth the Usurer take any paines for the gaine of His money? Nothing lesse. Usury is a gainfull idlenesse, whereby men doe eate of the

Object. 9.

Answer.

See F p 255.

sweate of other mens browes. For whether they eate, or drinke; sleepe, or wake; worke, or play; be sicke, or whole, &c. Their gaine by Vsury commeth in alike.

Is He at any cost for the bringing in of His gaine? Not of a halfe-penny.

Doth He beare any hazard? It is no part of His meaning. He requires a covenant of the Borrower for the paiment both of the principall, and also of the use, at a certaine time. For performance of which, before He will lend His money, He will have what security He please: By bonds, statutes, pawnes, sureties one way, or other: so that if the principall, or any part thereof be lost, it is lost to the Borrower, but it is safe to the Usurer, by the very contract of Vsury, ratified by other securities.

Object. 10.

But the use I take, may some of them say, is moderate, and more reasonable, I take not above 8. in the 100. or under, &c.

Ans. 1.

1. Why then I say, Thou art like a kind Thiefe, who having taken 40 s. from a man by the hie-way, throwes back perhaps some ten groates to beare His charges home.

2. By so doing, Thou sin'st lesse indeed then those cruell, and cut-throat Cannibals that besides after 10. in the 100. must have a load of Coales or some other gratuity. But for all that, thou art not freed from usurious guilt, and greediness. Suppose a malefactor at barre should cry out unto the Judge; that whereas His fellow-prisoners, some of them had stolne Horses, others broke

broke houses, others rob'd by the hie way, others killed men; He onely had but stolen a few sheepe: would this acquit Him? Nay He would be burned in the hand for a rogue at least.

Let no man blesse Himselfe in the willing practise of lesser sins: Any lien in willingly and delightfully will ruine the soule eternally. A Pen-knife thrust unto the heart will dispatch a man as well, as all the daggers that stab'd *Cesar* in the Senate House.

Modica sunt, saith one, quae perdunt nos. They be those little Ones, that undoe us. A moare in the eye, if it be not got out in time, may grow to a pin and web. A mans conscience may suffer shipwrack as well upon a sand, as upon a Rock. A Rock is a great One, a sand is a heape of little Ones. See my Exposition upon the Creed, pag. 134.

3. When men make question of moderate Usury, whether that be lawfull or not: They might as well make question, saith *Chemnitius*, whether moderate adultery, or moderate lying, or moderate theft is lawfull: For as Adultery, as lying, as theft are things in themselves and unlawfull, so is Usury.

Usura est peccatum non solum in se, sed etiam secundum se, & ideo ex nulla circumstantia bene potest fieri.
Schoolmen.

But the Borrower, saith the Usurer, holds Himselfe much beholding unto me, tells mee that I very much releeve His necessity, that I helpe, and pleasure Him exceedingly, and that He could not tell what to doe without his money.

Object. 11.

Ans.

1. Even so, suppose a poore man lying by the high way, ready to die for hunger, and there comes a Baker by; from whom He intreats a penny loafe: The Baker meaning, (as Usurers commonly doe) to take advantage of the poore mans extremity, seemeth unwilling to sell Him any; will not the poore man in this extreme necessity, bee most willing to give twelve pence, for that which is not worth two pence? Yes undoubtedly, He would in such a case with all His heart give six pence for a penny loafe, and thanke Him too, and tell Him perhaps He saves His life by it. But for all this, the cruelty of the Baker were much to be condemned, that would prey so unmercifully upon the bleeding misery of His dying Brother. Semblably, A poore man in danger to be driven out of home, and harbour as they say, or in some other heavy distresse, would be ready to tell the Usurer, that He doth Him an high pleasure, that but for His money, He should be undone, &c. Yet for all this, the mercies of the Usurer in such a case, were but cruelty, as *Salomon* saith somewhere of all the wicked.

2. Thou easest and pleasures Him indeed with the principall for a time, but thou eatest Him up and plaguest with the use. Thou art in this point like *Joab*, who took *Amasa* by the beard to kisse Him; but secretly thrust His sword into the fifth rib, and dispatcht Him: Thou comforts Him for a while with the loane; but by little and little, cuts His throat with the usurious lucre.

There

There is a worme in Latine called *Teredo*, that useth to breed in wood; which is very soft to touch, yet hath such steely teeth, that it eates into the hard timber: So the Usurer is a soft Beast, at first to handle, but in continuance of time, His Canniball chops devoure both flesh and bone, marrow and life of the Borrowers estate. The Ivy claspes about the Oke, as a lover and a friend, as though it would keepe it warme, and cherish it; but thereby it growes up, overtops the Oke, and sucks out the juice and sap, that it cannot prosper: So just doth the Vsurer pleasure the Borrower. See before pag. 3. And

pag. 1. 3. The kindnesse and good Thou doest to the Borrower in this case, is like that, which Thou shouldest doe to a man in a burning Ague, in giving Him cold water to drinke: For the present it refreshes Him, but after it doubles His paine, and increaseth His danger. Whereupon saith Saint *Ambrose*, The offering of the money is flattering and pleasurable, but the exacting of Vsury is most cruell and unmercifull.

4. Heare Saint *Chrysostome* in His time: (For the same cunning, and cavilling did also colour Vsurers covetousnesse then.)

Noli mihi dicere, quasi, gaudet, & gratiam habet, quod sibi faenore pecuniam collocaſ: id enim crudelitate tua coactus fecit.

Do not tell me, saith He, that He is glad, and gives Thee thanks, because thou wilt let Him have

*Oblatio quidem
blanda, sed im-
mani exactione.
De Tobia Cap.
12.*

have money to use: For He is constrained by thy cruelty to doe so.

Object. 12.

But what say you to the case of Orphans? What shall become of Fatherlesse Children, Widowes, and distracted men of their wits? Suppose all these, for their maintenance, have a stock of money left them: They being not able to imploy it, How shall they be maintained, but by the use of it? For if they spend of their stock, what will become of them when their stock is gone?

Ans. I.

1. I might well bee excused from answering this Objection, at this time, because our common Vsurers, against whom, I now purposely deale, and dispute are not Babes and mad men, except it bee spiritually, but many times of great understanding and wisdom in worldly matters.

Deut. 23. 19.

2. If Vsurery be sinnefull in it selfe, it is evill in all, though in some more, in some lesse. If it bee forbidden in Gods Booke, as it is in many places directly and clearely, what circumstances, good meanings, Motives, End, or any thing can make it lawfull? Except the royall Prerogative of the mighty LORD of Heaven and Earth, who is the Lawgiver, and whose holy Will is the Rule of Justice, interpose and declare it selfe otherwise, as in the present point, in the case of strangers for a time.

Though therefore, the reliefe of the fatherlesse, and widowes be good, yet must it not be done by Vsurery: For that is to do evill that good
may

may enſue, which is condemned by the HOLY GHOST, *Romanes 3. 8.*

3. The Uſurer ſhould rather aſke what ſhall become of thoſe Orphanes, and Widowes which have no ſtocke; for whom notwithstanding God doth graciously provide, though they uſe no unlawfull meanes.

4. There were Widowes, Fatherles, and men diſtracted amongſt the Jewes; in that excellent Common-wealth, conſtituted by God Himſelfe; and yet no allowance of Vſury unto them. If Almighty God in Wiſedome had thought it meete to have tolerated Vſury in theſe perſons, He might as well have mentioned the ſame, as He doth the toleration of lending to ſtrangers. But it ſeemes to have beene ſo farre from Gods meaning, that in the very ſame place ^a where He maketh a Law for the ſafe-guard of Orphanes, and Widowes, preſently, and ^b immediately upon it, is annexed the Law againſt Vſury. Shall theſe then, who are ſo well provided for, by a ſpeciall Law of God, bee tranſgreſſors of the very next Law unto it?

^a Exod. 22, 22, 23, 24.

^b Ver. 25.

5. Widow-hood, and Fatherleſneſſe, in reſpect of the former ſtate of having Husband and Parents, are a ſtate of Humiliation, for the outward condition of this life: But by this unhappy Trade of Vſury, they are made a ſtate of exaltation. For whereas, in the daies of Husband and Parents, their ſtocke by honeſt, and lawfull negotiation, was ſubject unto mani-

H

fold

fold perills; and by perill unto great, and daily losses: The practise of Usury now, doth provide by sufficient Bonds against all these, with great increase of gaine: bonds so sufficient, and absolute, that except G O D dissolve them beyond all expectation, they are strongly secured against any disaster, or danger. So against G O D S Ordinance, and intention, labour to turne a crosse into Blessing.

* Exod. 22. 22.
& 23. 24.
Deut. 10. 18.
Chap. 14. 29.
Chap. 18. 11.
14.
Chap. 24. 17.
20.
Psal. 94. 6.
Psal. 146. 9.
Esa. 1. 17.
23.
Chap. 10. 2.
Jer. 5. 28.
Chap. 7. 6.
Chap. 22. 2.
Zach. 7. 10.
Mal. 3. 5.
2 King. 4.
Mat. 23. 14.
Jama. 1. 27.

6. The L O R D hath vouchsafed to Orphanes, and Widowes a singular priviledge of many very gracious promises peculiarly made unto them: * let them therefore, or their friends for them, depend upon the gracious providence, and promises of G O D, in the use of lawfull meanes: let them imploy their goods in some honest Trade, or negotiation, wherein they have as good cause to expect a blessing from G O D, as any other; Or let them deale by partnership: or by annuities for their lives; or purchase Lands, or Rents for ever; Or let some other honest course be taken, which wise men can easily devise, if they list, and were as hearty for G O D S glory, as earthly gaine. And let not children bee tainted and maintained with the contagious, and insinuating sinne of Usury.

Exc. Well then, saith the Worldling, suppose for instance, the stocke bee imployed in Partnership, or any other course of Traffique, in which the Orphanes stand to the hazard of the principall; I would know in such

a case, what would become of the Fatherlesse Children, if the principall perish; were they not quite undone?

Rep. I answer, who are wee, that wee should exempt Orphanes from being subject to G O D S providence, and ordering. Doe not all mens goods in the world depend upon G O D S disposing and blessing? Doe not all men stand to His providence, and must be subject thereunto? Shall Orphanes then onely be exempted, that G O D shall have nothing to doe with their stocks; but blesse He, or curse He; they must be sure to be provided for, to have still so much certaine yearly; and to have their principall secured? This ought not to be. Especially, sith they are honoured with so many excellent particular promises of G O D S providence, and singular protection.

But some learned men allow it, &c. And so *Object.*

M. S. I come to survey your Hold for Usury, the weakest of many rotten Ones. You have marshal'd together eightene.

1. Suppose all these were on your side, I oppose against them, many moe, very Worthy, and Learned men in this Age, the testimonies of all the learned in former Ages both Christian and Heathen, the censures of Councils, the authority of the Word of G O D. See before, page 1, 2. Nay heare your owne Man, as you pretend, Worthy Jewell: But what speake I, saith He, of the ancient Fathers of the Church, (having produced many

Ans. 1.

*Jewell upon
1 Thess 3. 6.
pag. 80.*

H 2

against

against Usury) There was never sect, nor state, nor degree, nor profession of men, but they have disliked it: Philosophers, Greekes, Latines, Lawyers, Divines, Catholicks, Hereticks: All tongues, and nations have ever thought an Usurer as dangerous, as a Theefe. The very sense of nature proveth it to be so, if the stones could speake, they would say as much.

The generall Current, and consent of the Church for above this fiftene hundred yeares without Opposition, hath condemned it: what a weake hold then is your Handfull *M. S.?*

2. Divines pretended for Usury deale with it, as the Apothecary doth with poyson, working and tempering it with so many cautions, and limitations, that in the end, they make it no Vsury at all. See in this point, *Dow. posit. of Usury pag. 53. Dow. pag. 273. &c. Fent. pag. 62.*

After they have examined the point, and answered the reasons, as they think, which are usually brought against Usury by the Schoole; yet in conclusion put all their limitations together, they agree upon no Usury at all, as it shall be defined by and by. Single them out one from an another; there is not any one of them, who dares defend any such ordinary Usury, as is amongst us practised with greatest moderation. *Fent. pag. 144.* And therefore in the third place, I say:

3. Though some have somewhat declined
the

the beaten way in this point: 1. Transported perhaps with some prejudice against the Truth, by reason of some weak * Arguments they have met with in the point. 2. Or because in detestation of Uſury, ſome lawfull contracts alſo have beene condemned by ſome for Uſury, which doe but coaſt upon it: Yet where dwelt that Divine, that to this day durſt ever appeare in print, a Patron of Uſury properly and truly ſo called, commonly practiſed at this Day in this Land, and condemned in the Booke of G O D: Which onely I ordinarily preach againſt, and at this time oppoſe. And thus define: (For upon purpoſe, I deferred the definition to this place, as fitteſt and moſt ſeaſonable.)

* As that taken from barrenneſſe of money; and the unnaturall brood of Uſury, &c.
See Fen. pag. 64, 65.

Uſury is a gaine above the principall, exacted by covenant, meerely for liew of lending. Or thus: Uſury is gaine upon covenant, for loane. Or thus: A lending for gaine by compact. See how this definition diſtinguiſheth Vſury from all other contracts: F. pag. 16, 17. Dow. pag. 157. &c.

Uſura eſt lucrum ex mutuo paſſum.

This I ſay, is Vſury truly and properly ſo called, commonly practiſed now adaies; forbidden in the Booke of G O D, queſtioned by Covetouſneſſe, onely in this laſt Century paſt: And which I cenſure in my Book, and Sermons, and oppoſe in this Diſcourſe.

There is, as ſome call it,

1. A liberall Vſury: Which is onely a gratuity or free Gift, which the Borrower

*Si debitor usu
alieni eris mul-
tum lucratus
est, vel mag-
num aliquod
damnum evasit,
certè ex grati-
tudinis Officio,
& mutuo re-*

*specu Charitatis obligatur ad antidota. Rectè enim dicitur in officijs charitatis, primo
loco illis tenemur obnoxij, a quibus nos beneficium accepisse agnoscimus. Nec peccat
Creditor accipiendo, quia differunt officia charitatis, & Usura. Sed sic levissima occa-
sione queritur prætextus Usuræ. Si enim vel pactum, vel intentio præcedit, quod
aliàs non erat mutuaturus, nisi ultra sortem gratitudinis loco, aliquid acciperet, revera
est Usura, quocunq; nomine appelletur. Chemnit. Loc. Com. de paup. pag. 458.*

finding Himselfe much benefited by the Len-
ders curtesie, doth of His owne accord, in te-
stimony of His thankefullnesse freely give to
the Lender, who neither intended when Hee
lent, nor expected whiles Hee forbore, any
gaine, much lesse covenanted for it.

But in this Case, although the Lender re-
ceive some allowance, above the principall,
yet He committeth not Vsury: Because neither
the contract, which He made, was lending for
gaine: neither is the over-plus, which He re-
ceiveth againe, either covenanted, or intended,
or required for loane: But a gratuity, or thank-
full curtesie, which may with good conscience
bee given and received from an able and wil-
ling Giver.

There is also, as some call it;

2. A recompencing Usury, Which is no-
thing els, but a just recompence, which the
Debtour, having through His default beene the
effectuall cause of the Creditors hinderance,
doth owe unto Him by the Law of nature. Un-
derstand it thus:

A man lendeth for a time freely; that time
being expired, His money is retained longer
against

against His will ; for want whereof Hee is damnified. If the Lender receive an over-plus in this case above the principall, answerable to the damage, which Hee hath suffered ; this is no Vsury, but due and just satisfaction. No Usury, because increase is not taken for the loane. For loane is a voluntary Act : whereas this money was not willingly lent, but retained by force after the time, it was due. If the Lender had beene damnified, by the forbearance of His money, during that time, which Hee lent it, He could in strict justice have exacted no satisfaction, because it was His owne voluntary Act : *Volenti non fit injuria*. But the time being come out ; to receive over-plus for His losse sustained, is no Usury ; but a just recompence, Which is properly termed interest : Which may grow due, say Divines two waies :

1. *Ex damno emergente*, By losse arising : For example ; I lend Thee an 100 lb. which Thou undertakest to repay at the end of fixe moneths : which time being expired, and thou either through negligence, or unfaithfullnesse, failing of thy promise, I incurre a losse ; as the forfeiture of a Bond, bargaine, or lease, &c. or by taking up money upon Vsury, to prevent that losse &c.

2. *Ex lucro cessante*, by gaine ceasing. As when by missing my money at the day, till which I lent it ; I am hindred, of buying at the best hand, provision for my house, wares for my trade, stocke for my grounds, or some other certaine

certaine or very likely gaine. (Where by the way we may see why it is called interest: because one may say *interfuit meâ habuisse*: It behoved me, It stood me upon to have had it: And now by your default I sustaine this losse, I am thus hindred)

Now in these two Cases, I may lawfully provide for mine indemnity, by exacting an equall recompence at thine hands: and thou art bound in conscience to make good this losse, or hinderance, which through thy default I sustaine. But herein observe such cautions and conditions as these.

1. That interest is to be rated, and proportioned not according to the gaine or Benefit which the Borrower hath reaped, by the imploiment of the money; but according to the hinderance, or losse, which the Creditor sustaineth through the Borrowers default.

2. That Interest is not to be required, *nisi post moram*: but onely after delay, and default committed by the Borrower: For untill then, the Borrower, (unlesse He were such an One as could compell the Creditor to lend) is not the effectuall cause of the Creditors losse.

3. Neither is it ever to be required after delay; but onely then, when the Creditor hath indeed sustained losse, or hinderance, by the Borrowers delay.

4. That the Creditor doe not voluntarily incurre any losse, meaning to lay the burthen thereof on the Borrower, but do His true endeavour to avoid it.

5. That

5. That He put difference betweene Him that breakes day, through negligence and un-fairhfullnesse : and Him, that breakes day through want and necessity, which He did not foresee : and let Him remember ; that where is no fault there ought to be no punishment.

6. That the estimation of the interest, be not referred to the Creditors owne arbitrement (For it is not fit, that every Creditor should be His owne carver) but committed to the judgement of some other honest and discreet men.

Such conditions as these, attended, and observed, It is lawfull for the Creditor, in the forenamed Cases, to require an over-plus besides His principall : which over-plus notwithstanding, is not Vsury.

For there is great difference betwixt them :

1. In Vsury the Lender intendeth, and seeketh gaine: by interest, He onely provideth for His indemnity. Or thus : The Usurer seeketh by lending to bee a gainer: But the receiver of interest truly so called, seeketh onely to be no looser.

2. Vsury is intended, or perhaps covenanted for, in the very contract : Interest is not intended at the first, but happeneth after delay.

3. Vsury is a gaine, which from the time of the contract, untill the time of paiment, accrueth to the Lender: Interest is a recompence of the losse, which after the Day appointed for the paiment, the Creditor sustaineth through the Borrowers default.

*Lib. de definit.
appellat.*

4. *V*sfury is against equity, conscience, and reason: Interest standeth with them all.

When as therefore men pretend the honest name of Interest to their gainfull *V*sfury, it is pernicious Sophistry, saith *Melancton*.

Exc. But I may not I, may some *V*sfurer say, expect consideration for the gaine which I might have raised from the imploiment of my money, all that time, which I lent it; as well as expect recompence *post moram* as they say after delay, &c. 2 I might have imployed it my selfe, and perhaps have beene a good gainer: 3 And therefore I have forborne it to my hinderance, and by consequent deserve recompence even for the time of lending before delay.

Rep. I answer in order to the three branches of this Exception: To the

First: By no meanes. For by the ordinance of *G o d*, and Law of nature, lending is free and charitable, intending the good of the Borrower and not of the Lender: and therefore ought not at all to become saleable and mercenary. An Act of charity should not be bought and sold. See before in divers pages: and *Luke 6.34,35*. Where lending is commanded, without providing for indemnity, in receiving the principall, if so their Brothers need truly require: much more without requiring an overplus above the principall: Which *C H R I S T* saith in the same place even sinners would doe.

Now

Now therefore, if there could no other reason be given, why men should lend freely, and not for gaine, yet this alone were sufficient, because G o d would have us lend freely, and not for gaine. It ought to have beene argument sufficient to our first Parents, to restraine them from the forbidden fruit; That G o d had forbidden it; though they had had other reasons to inducethem to care thereof. And as in that case, so in this, it is sinne, and folly, to enter into disputation against the Word of G o d, according unto which, we shall be judged in the last day. The will of G o d, is the Rule of justice, and whatsoever He willeth, it is therefore good, and just, because He willeth it; and consequently simple, and absolute obedience must be performed thereunto, whatsoever arguments, impediments, or inconveniences can be pretended to the contrary.

Secondly, Thou mightest, saiest Thou, have imployed it thy selfe. But how? By negociation and traffique? That's not likely. Usurers love not to be Adventurers; there is too much hazard in Traffique. But suppose Thou haddest, it may be thou shouldest have beene a looser: And therefore, let Thy feare of losse by adventuring, which Thou escapest by not hazzarding the principall, against thy hope of gaine, which Thou looked to receive, if thou haddest adventured: And let thy possible gaine, which Thou hast missed, bee recompenced with the possible losse, which thou hast esca-

ped. And know this, that the hinderance of uncertaine gaine is not to be allowed after delay, much lesse before: Neither can uncertaine hopes be sold with a good conscience for certaine gaine, especially to those that doe not buy them.

Thirdly, But thou forbearst thy money to thy hinderance. Lay aside usurious pretences. Canst Thou not indeed without thine hinderance forbear thy money? Consider then the state of Him that is to borrow.

1. Is He a prodigall, or riotous person? feed not His sensuall humour and vanity.

2. Is He a covetous dealer in the world, that seekes to compasse great matters; and to be an engrosser, or forestaller of commodities to the prejudice of the Common-wealth? Make not thy selfe accessary to His covetous practises: To such, thou oughtest not to lend.

3. Hath the party no great need to borrow? To such, Thou needest not lend: or if Thou doest; thine hinderance, if Thou sustaineest any, is meerely voluntary, and of such an hinderance, Thou canst require no recompence of Him, who hath not beene the effectuall cause thereof.

4. Is the Party an honest man, and hath need to borrow? Then if the LORD hath enabled Thee to lend, Thou art bound to lend, Though thou shalt sustaine some hinderance: yea sometimes, though thou shouldest hazard

Wee are not
bound to lend
to any but to
such as be in
want:

hazard the principall, Thou must willingly yeeld unto both, as imposed of the LORD: Neither must Thou seeke gaine out of His need, but lend freely for the LORDs sake, who requireth this duty at thy hand. See *Deut. 15. 8. Psalme 112. 5. Matth. 5. 42. Luke 6. 35.*

And to such, if we be able, we must lend freely.

But before I passe out of this point, let mee acquaint you with an Hypocriticall Tricke of some cunning Usurers. Who if they heare a man preach, or argue against Vsury; and feele themselves toucht: They presently labour to dawbe and divert, by asking, whether Hee meane all Vsury: And they hope all Vsury in generall is not to be dislikt, &c. Is there not some Usury allowed by some Divines, as liberall Usury, Recompencing Usury, &c. Whereas they cannot but know in their owne consciences, except they wilfully blind themselves, that this is nothing to the purpose; that they meddle not these waies, that hence, they get no patronage, or defence at all for their wretched Trade, and practise of Vsury truly so called; poysoned by the covenant for certaine gaine, where it is uncertaine, whether the Borrower shall gaine at all or loose. Which differs *formaliter* as they say, from these now mentioned. For they are onely called so improperly, and equivocally, as we speake in the Schooles: * As a dead man is called a man.

* If a man should set out the excellency of a man, discouraging of the admirable faculties of the soule, the goodly structure of His Body, &c.

Were not Hee ridiculous that should step out and say: But I hope He meanes not all this of man in generall. For a dead man hath no such thing, &c. So, &c.

The venome and poyson of the unconscionable covenant and by consequent that life of iniquity is not found in liberall, or recompencing Usury.

I say the covenant, (which is not to bee found in liberall, or recompencing Usury) empoisoneth. For it is said, *Exod. 22. 25.* *Non imponetis super eum Vsuram,* you shall not impose, or lay upon Him Usury. And workes of mercy, bounty, or favour, as giving, and lending; are in their owne natures not any waies capable of bargaine, and sale. See before many reasons to this purpose scattered here and there, as occasion was offered.

But lest any mistake, and deceive themselves, and others: Consider the Latitude, which Divines give to this terme of Covenant in the definition of Usury truely so called.

It may bee either 1. Reall, by pawne laid in both for principall, and Vse. 2. Or literall, by writing without pawne, as by Bill, Booke, or Bond. 3. Or Personall, without writing, in taking an other Man for surety besides the Borrower. 4. Or verball, either by promise without surety before witnesse, or by secret stipulation, betweene themselves without witnesse. 5. Or silent, without word, witnesse, writing, or pawne. And this silence: either 1. Of one Party, thus: An Usurer saith: I will lend you thus much money; but so much use you shall pay mee: The Borrower takes it in silence: this silence is a promise; and that promise a covenant. 2. Nay where there is silence on both sides, there may be

bee an Vsurious covenant. A common Borrower comes to a common Vsurer, to take up an hundred pound for three moneths: there is neither Bill, bond, promise, nor demand for any use: Onely this: The Borrower knowes, how that Vsurer never lendeth His money but for 10. in the 100. Likewise the Usurer knowes, how that Borrower never taketh up, but upon use. The very Act of borrowing, and lending in these two Parties, by common intendment, is a covenant for Vsury: And every covenant whatsoever, whether it bee silent, or expresse; whether it bee bare, and naked in promise; or invested by further security, if it bee a covenant for loane, it is Vsury.

I know in this point of Vsury, the wit of man, which will worke like a Moale, to get into the eath, is set on foote by Covetousnesse to spin out many fine and fittle threds, and to put forth many curious, and intricate Cases, which may seeme at first proposition, to promise nothing but faire dealing and conscionable contract, and so upon the suddaine puzel and perplexe a good Divine, not so experienced in worldly dealings, (For it is an easie matter to cast a stone into a Poole, which seven wise men will hardly get out.) But such Spiders webs, upon exacter search, proving envenomed with some usurious bane, are so farre from disingaging, that they ensnare their

their covetous consciences in more deepe, and damnable Hypocrisie.

Some Instances in cunning contracts palliated with honest pretences, but upon true search, and due inquisition poysoned with usurious cruelty.

I. A man having no charge to leave behind Him, or little care of them, lends out an hundred pound upon condition to receive a 110 lb. at yeares end, if He be then living; but if He die, His Executors shall receive but fourescore. This cunning case is corrupted with Vsury, say good Divines:

1. Because the gaine is certaine, in respect of the Lender, and that for the loane onely.

2. Because there is no respect had, whether the Borrowers gaine bee lawfull, or not: Nay, whether Hee gaine any thing at all, or no.

3. Because the Lender doth not adventure the principall.

4. Because Hee doth not rely upon Gods providence, for disposing and ordering of His goods: but will bee sure of gaine, if Hee live; Howsoever it goes with the Borrower.

See for this purpose, *Claytons* case adjudged to be Usury. *L. Cooke p. 5. of Reports.*

In a word, His case standeth thus: Hee hopes to live many yeares; and when Hee dies, Hee is sure to die but once: then shall His Executors pay twenty in the Hundred, of such summes onely, as then shall be abroad

at

at use. Under colour of this adventure, Hee lends His money, and lives upon the loan while Hee liveth. And so takes a course, by this covenant, to bee an Vsurer; if He live. No condition shall barre Him from it; but onely death. Then of necessity, He must die an Vsurer by vertue of the same Covenant. And doth any such brainelesse Worldling thinke, that His Executors, after His death can redeeme His soule from that sinne, wherein he died, by paying so much, in the hundred, of His wealth, which then shall be none of His? What subtle snares are twisted by greedy wits, to strangle their owne soules, more unobservedly? For in this case Vsury is masked under the Habit of hazard, and adventure.

Or let the same Case bee put in respect of a mans Childe: besides proportionable iniquity, as in the precedent. It were seven to One, the Childe should bee living at the yeares end. And where the adventure is not sensible and proportionable, it is but a mockery.

II. A man ashamed of open, and visible Vsury, doth sometimes practise it mystically, under the colour of selling, thus: When the Seller exacteth an over-plus, more then the just value of the ware, onely for the time of forbearance, which Himselfe granteth to the Buyer.

By just value I meane an equality between

twene the ware, and the price, according to the common estimation, at the time of the sale. Which equality notwithstanding hath His latitude : Neither must wee thinke presently, that price to bee unjust, which is but a little under, or over the precise Arithmetically equality. And therefore, the Seller who granteth time, so long, as He keepeth Himselfe within the latitude or compasse, of an ordinary, and equall price, may not be thought guilty of Vsurie. And sometimes it may so fall out, (But in such Cases let men take heed, lest the deceitfullnesse of their owne hearts ensnare them) that the Buyer will not bee brought to give the equall price, unlesse Hee have time for payment : In which Case, Though the Buyer may perhaps thinke, that He payeth the dearer for the forbearance, yet there is no Vsurie; because the Seller doth not sell the dearer for time.

[Onely for the time of forbearance] I speake so, because there may bee some other reasons, why the Seller granting time, may sell the dearer :

1. When He knowes, that, the value of the thing, will bee more at the day of payment, then at the day of sale; He may sell it for so much more, as in all likelihood, it will be clearely more worth; His charges, and hazard, (if there shall be any) and the impairing, or diminishing of the thing, (if it bee subject thereunto) for the meane time being deducted.

2. If

2. If the Thing which Hee selleth, hath a fruitfull use, and yet notwithstanding, that use shall bee in all likely-hood of no lesse price at the day of paiment, then it was, at the day of the sale, Hee may take so much the more, as the fruitfull use of the Thing, is in the meane time clearely worth, the estimation of the hazard, and charge, being deducted.

For the time, which Himselfe granteth to the Buyer] I add this; because if the Buyer detaining the price longer, then the appointed time, shall bee an effectuall cause of losse, or hinderance, to the Seller, Hee is to allow Him Interest, properly so called: And the Seller may with good conscience exact it of Him, especially, if not through want, but through negligence, and unfaithfullnesse, Hee useth delay.

But when a man selleth His ware, for more then the just price, onely because Hee giveth time to the Buyer, Hee doth indeed sell time, which is not His to sell: and so under the contract of selling, Hee committeth Vsury: For when the Seller is content to grant time to the Buyer for the paiment of the price agreed upon, it is all One, as if He lent that money, for such a time: For the voluntary forbearing of money due to Him for His ware, is all one with loane: And upon such forbearing the Buyer becomes a Debtor, and the Seller a Creditor. For example:

Thou sellest ware for 11. pounds to bee paid at the end of fixe moneths, which Thou wouldest have sold for 10 lb. in present money. This men may call what they will, but it is Vsury, after the rate of twenty in the hundred.

Some Divines more briefly thus: To sell wares for time, and in respect of time, to sell dearer, may bee free from Vsury.

1. Either in respect of the rising of the commodity so sold; if by the ordinary course of seasons, it will bee worth more, at the day of paiment of the money, then it was, at the time of sale, and delivery.

2. Or in Case, a man can neither vent His commodity for present money, nor keepe it longer without corruption, or detriment to the ware; nor forbear the money, without sensible prejudice to Himselfe. These may seeme valuable considerations, without compasse of this Teane.

But admit a man will sell dearer of purpose, for the forbearance; and forbear of purpose, onely, that Hee may sell dearer; without pregnant likely-hood of the market rising, at the time of paiment, or of damnifying Himselfe by keeping His ware, or such like valuable considerations; that is Vsury. For it is all one, as if He lent so much money for lucre upon covenant.

III. Sometimes Vsury masketh under the

the colour of buying, thus: A man lends unto an other 100 lb. The principall to bee repaid by 10 lb. a yeare in ten yeares; and ten pound a yeare over-plus, for the use of that money: This were extreame Usury within the Statute. If therefore purposely to avoide the Statute, Hee should agree with the Borrower, to alter the nature of the contract, thus: With the same 100 lb. He will purchase an Annuity of 20 lb. for ten yeares of the same partie: This is * bargaine and sale, yet is it the very same Thing, in Truth; differing onely in the parchment, and manner of covenanting; subject to the same iniquity, and inequality; poysoned with their joynt purpose of avoiding the penalty of Usury, by other conviciences. For if their purpose could by any precedent communication of borrowing or other pregnant circumstances be discovered, the same Statute would condemne them of Usury. But yet, if simply, without any pretence, such Annuity of rent bee bought, and sold, wee cannot condemne it for Usury. Howbeit, if it be an unreasonable bargaine, or bee injurious unto any by circumstances, it may bee a breach of justice, and charity in an other kinde. See P. pag. 120. Down. 173.

* Though it be bargaine, & sale: yet upon the matter, the very same, under an other forme of covenant: The very intention maketh it Usury.

I will give you a taste of the truth of my two latter Answers to the last Objection, in some of the Worthiest of your supposed Writers of Usury.

* See his Book
against Usury.
pag. 46.

Concerning your first Author, T. C. His Manuscript is punctually and exactly answered by an Orthodoxe Learned Divine, who was ten * yeares Professour of the Hebrew Tongue in *Cambridge*, D. Pie; in His Booke called, *Usuries Spright conjured*: published 1604. To which, for any thing I could ever heard, not any Vsurer, Ecclesiastique or Laick, or any of their Proctors, Brokers, or Dependants any way, have replied any one word. And therefore that Answer stands authentically, and impregnable, untill some man say something against it.

2. Concerning Bishop Jewell; I wonder at their foreheads, who offer to ranke Him amongst the Patrons of Usury. I never read in Papist or other a more grosse and unconscionable falsification. For Jewell, reade Him upon *1 Thess. 4. 6*. You have Him here, or ought to have Him in your Churches: is as resolute, plentifull, and mighty against Usury, as ever any I read in my life. He is so punctual, and precise; so universall and absolute against it; that heare His owne words, *Ibid. pag. 84.* in the point of letting out the money of Widowes, Orphans and Men distracted.

He that taketh money to Usury, saith He, whether He gaine, or lose, or whatsoever happen unto Him, He must answer the whole stock He borrowed. And this is it that undoeth so many, and maketh them bankrupts. But this hap-

happeneth not in this Caſe. He that occupieth the Orphanes money or ſtocke, is charged onely to uſe it as His owne, and no otherwiſe. If it periſh or decay, or miſcarry without His fault, hee is not bound to anſwer it. Therefore as I ſaid it is no Vſury.

In the Sect. next before, thus: This is not Vſury (ſaith He) Why? Becauſe Hee that taketh the ſtocke of the Orphan, or of the mad man, or of the diſeaſed Merchant is not bound to anſwer all adventures, and casualties that happen. As, if to like uſe I take a ſtocke in cattell, and they die without my default: or a ſtocke in money, or wares, and the wares be burnt by fire, or the money ſtollen without my default, I am not bound to anſwer the principall: therefore it is no Vſury.

Here now M.S. come you in with your owne twofull głoſſe: and will needs make M. Jewell, (for ſo you call Him here) the moſt noble, reſolute, powerfull confuter and confounder of Vſury, that ever I read, to bee on your ſide.

If a man bee not bound, ſay you, to anſwer it, (as M. Jewell ſaith) I pray you in what caſe ſhall the poore Orphane, Mad man, or ſicke Merchant be in, if their ſtocke bee gone? It had beene better for them, to have had their ſtocke lying ſtill in their hands, and to have lived of it, then when it is gone to ſtarve for hunger.

Theſe are your owne words M.S. Jewell makes

makes no such Quere; therefore Jewell is of none of yours; whom notwithstanding you put in your Catalogue, by such a trick of falsification as I never read.

But what shall become of the Orphans, &c. say you if their stocke be gone? And what shall become of those, say J, that have no stocke at all? whom notwithstanding God graciously provides for, though they use no usurious, or injurious waies of getting. Who are we that we should exempt Orphans or any from being subject to Gods providence, and ordering? Let this bee the pestilent property of Usurers, to sow, as Saint *Chrysostome* said, without land, plow, or raine; upon the matter not to trust Gods providence: See *Fent. pag. 95.* And further about Orphans; See before *pag. 48. &c.*

3. As concerning *Perkins*. His third condition *Vol. 1. pag. 63.* upon the eight Commandment: which is this: Hee must sometimes be so farre from taking gaine, that Hee must not require the principall, if His Debtor be by inevitable and just casualties brought behind, &c.

In the place quoted by you in His Exposition of *CHRISTS* Sermon in the Mount: Hee onely approoves liberall and recompencing Usury, which I handled before; not Usury truly and properly so called, commonly practised in this Kingdome, and that which I ever preach against and here oppose.

4. *Willot* is an other in the Catalogue. Heare His owne words cutting the heart of Uſurers, and Vſury properly ſo called, commonly practiſed amongſt us.

This conſideration, ſaith He, given for the loane of money muſt not be *ex pacto*: it muſt not be agreed upon by any certaine compact, and covenant: as the words here are *lo ceſimū: non imponētis*: you ſhall not impoſe, or lay upon Him Vſury. As it is not lawfull to covenant with a man certainly to pay ſo much: Hee may looſe by uſing this money; He may be in hazard alſo of the principall: For the Lender then to receive a certaine gaine, where the Borrower is a certaine looſer, were not juſt: Such indifferency muſt bee uſed, as that the Lender bee contented; as to bee made partaker of the gaine that commeth by His money, ſo alſo proportionably to beare part of the loſſe. Upon *Exod. 22. pag. 52.*

5. *Innius* is an other in the Muſter. But Hee alſo ſo tempers Vſurious poyſon with Cautions, and Conditions as Hee calls them; that He breakes the neck of the common Vſury practiſed amongſt us.

The firſt is in reſpect of the manner (The Tranſcriber ſaith! meaſure, falſely, if not cunningly). And what is that? That the Creditor doe not impoſe it unhoneſtly: but the Debtor honeſtly offer it.

In his third Caution He hath this paſſage: If no profit bee reaped by the Debtor, let the

L

Creditor

Nempe ſi Creditor ſenus non imperat turpiter, ſed debitor honeſtè offert. Sin autem utilitas ad ipſum nulla redierit, ut caveat Creditor, ne ex labore inutili debitoris ſui, aut etiam damno ſuam ipſius utilitatem inhumanè capter. Appen. Ad Expl Levitici. pag. 115.

Creditor take heed lest Hee cruelly cover and seeke after His owne commodity, from the unprofitable labour and losse of the Debtor.

6. *Zanchius* is also urged. But heare Him also so farre from approving our common Usury, that Hee utterly confounds in these words: *Imo hoc aio esse debes O Creditor, ut si debitor non solum non fecit lucrum, sed etiam accepit damnum, tu quoq; damni aliquid cum illo patiaris: hoc enim postulat aequitas & charitas.* In 4. *Ad Eph. pag. 446.*

Nay thou oughtest saith He, O Creditor to bee of this resolution; that if the Debtor, not onely make no gaine; but also hath received losse, thou also must suffer with Him some part of the losse. For this equity and charity require.

7. Your *Virell* allowes that gaine for lending, which is taken according to order of Law. But our Lawes, as appeares clearly before, *pag. 32, 33, &c.* take no order to take any Usury; Nay our Common Law abominates it; Our Statute Law calls it a detestable sinne and forbidden by the Law of God; Therefore we of this Land must take no Usury.

8. That *Polanus* doth not approve, but condemne Usury properly and truly so called, commonly practised in this Kingdome, seemes manifest, by divers passages:

He makes three kindes of it: 1. Gainefull.
2. Recompensing. 3. Punishing.

The

The first, which is the same with our common Usury, practised in this Kingdome, Hee thus defines:

^a Gainfull Usury is theft, which is committed, when any receives gaine, onely in lieu of lending, having received no damage, by any fault of the Borrower.

Under this kinde He compriseth all ^b kinde of Usury, which either oppresseth the poore; or makes men poore. How Usury bites, and makes men poore; See before, page 10. &c.

His reasons for which Hee damnes this Usury are many: The first declares His meaning against that Usury which we pursue with just indignation, and is commonly and cursedly practised almost now every where. It runs thus:

This gainfull Usury is wicked; sith by it, the Usurer seekes gaine out of that thing, the losse, or hazard whereof belongeth not unto Him; but to the Debtor. It is an unjust thing to gape for gaine, out of an other mans losse.

Mutuatō debet esse gratuita: i.e. absq; aliqujus lucri exactione, & captatione, aut doni acceptatione. Ibid. pag. 4473.

Borrowing ought to bee free, without exaction, and captation of gaine, or receiving of gaine.

It seemes by such passages as these; that Polanus was no Patron of Usury properly so called.

^a *Usura lucratōria, est furtū quod committitur, cum quis lucrum accipit solū mutuatōnis causā, nullo dāno accepto culpa ejus, qui mutū sumpsit. Pol. Syntag. Tom. 2. cap. 63. pag. 4476.*

^b *Hujus species est Usura Usurarium, &c. item omnis Usura, que pauperes opprimit, aut pauperes facit. Ibid.*

Quia est ini. qua, quum per eam Usurarius querat lucrum ex ea re, cujus damnum, aut periculum ad eum non spectat, sed ad debitore. Injustum est ex alterius damno lucrum captare Ibid. pag. 4477.

At the Close, let me speake unto you; as Saint *Austin* did sometimes unto His Hearers: *Hac fratres charissimi, si vobis ego non dixerō rationem pro animabus vestris in die iudicii redditurus ero. Quicumq; autem magis mihi irasti, quam se emendare voluerit, non habet unde per ignorantiam se possit ante tribunal aeterni iudicis excusare, ut dicat se non fuisse admonitum, nec a malis prohibitum, nec ad ea, quæ sunt D E O placita castigatione, & admonitione frequentissimâ provocatum. Sed credimus de Domini misericordia, quod ita negligentibus quibusq; inspirare dignabitur, ut sibi magis, vel peccatis suis, quam medicamentis sacerdotatibus irascantur. Et quomodo egrotantes a carnalibus medicis requirunt sanitatem corporum, sic a spiritalibus medicamenta desiderant animarum. August. De Tempore Serm. 243.*

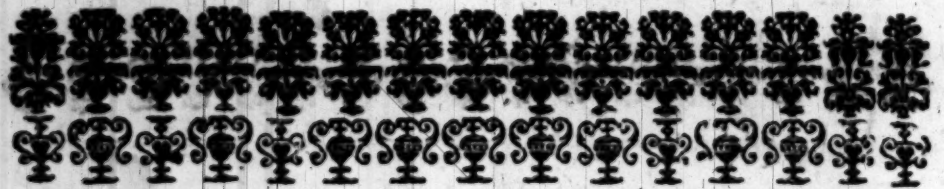
Beloved Brethren, if I admonish you not of these things, I must give an account for your soules at the day of judgement. But whosoever will rather bee angry with mee, then amend himselfe, hath no excuse for his ignorance before the tribunall of the eternall Judge: as that hee was not prohibited from evill, or provoked to good. But our trust is in the mercy of G o d, that by His holy inspirations Hee will so worke upon all negligent hearers, that they will bee angry rather with themselves and their finnes, then with the wholesome medicines of the Priest: And as sicke people desire health of body from their

their carnall Physitions, so they will earnestly
desire the health of their soules from those that
are spirituall.



FINIS.





*Perlegi tractatum hunc de Vsurâ, in quo nihil
reperio quò minus cum utilitate imprimatur.*

THO: WYKES R. P.
Episc. Lond. Cap. Domest.

